

NOTES

INDIAN AFFAIRS;

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OF FURRUKHABAD.*

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# CONTENTS

OF

## THE SECOND VOLUME.

Number	Page
XXXV. On the Injustice of compelling the People of India to adopt a Foreign Language and Character . . .	1
XXXVI. On the Proceedings of the Civil Courts . . .	7
XXXVII. On the Prospects of English Settlers . . .	26
XXXVIII. On the Necessity for a Commercial Code . . .	57
XXXIX. On the Policy of Interference in the Internal Administration of the Native Powers . . .	71
XL. On the Intercourse between the English and the Natives	106
XLI. On the Character of the People,—General Observations .	121
XLII. Same subject, continued,—Falsehood,—Forgery,—Perjury	150
XLIII. Same subject, continued.—Litigiousness,—Litigation, &c. .	187
XLIV. A slight Sketch of the Administration of Lord William Bentinck . . . . .	216
XLV. Suggestions for the New Government.—Qualifications of a Governor-General . . . . .	228
XLVI. Suggestions for the New Government . . . . .	245
XLVII. Present State and Future Prospects of Oude . . . .	260
XLVIII. On the Mode of Administering the Government of Oude, when it shall fall into the Possession of the English .	280
XLIX. On the Usury Laws . . . . .	290
L. On the Ruin to Trade caused by the existing System of British-Indian Customs . . . . .	296
LI. Character of the People.—Ingratitude,—Domestic Servants	310
LII. Same subject, continued.—Honesty,—Morality . . .	324
LIII. Same subject, continued.—Miscellaneous Observations .	335
LIV. On the Landed Tenures, and Expediency of introducing a modified Law of Primogeniture among the People .	353

Number	Page
LV. On the Gaols in India . . . . .	371
LVI. On the Police . . . . .	378
LVII. Propriety of Interfering with some of the Native Customs	395
LVIII. On the Native Army . . . . .	414
LIX. Vakeels, or Native Lawyers . . . . .	444
LX. On the Conversion of the People . . . . .	453
LXI. On Caste . . . . .	470
LXII. Intercourse between the English and the Natives . . .	496
LXIII. Miscellaneous Observations . . . . .	507
Conclusion . . . . .	516

## APPENDIX.

A. Narrative of Peer Buksh . . . . .	532
B. Character of a Commissioner . . . . .	536
C. Occurrences regarding the Temple of Snigrampoor . . .	538
D. The Noozeed Affair . . . . .	541

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# NOTES ON INDIAN AFFAIRS.

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No. XXXV.

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## ON THE INJUSTICE OF COMPELLING THE PEOPLE OF INDIA TO ADOPT A FOREIGN LANGUAGE AND CHARACTER.

Is a rational attempt to educate the people of this great country to be made? Or are they to be allowed to remain in their present state of ignorance? *i. e.*, as far as relates to the assistance of their English masters.

Is one great impediment to the due administration of justice to be removed? Or is it still to remain, to the discredit of the British system of legislation?

These, I grieve to say, are the two real questions into which this subject may be resolved. What has been, and what ought to have been, the course pursued by the British rulers? Certainly it was their duty, first, to have ordained, that the language and character of the country should be that of the courts of justice; secondly, to have established schools, or at least to have encouraged those that already existed for the education of the people, in their own language and character; thirdly, to have promoted the translation of books of knowledge into the vernacular tongue; and, fourthly, to have afforded to all who had leisure or inclination, the means of acquiring that language, in which the most general information is concentrated,—the English.

What has been the course hitherto pursued? We have actually imitated the example of a nation whom we affect to consider barbarians, and centuries behind us in civilization, and have attempted to inflict a foreign language on a hundred millions of people! We have even gone beyond our model. On the first conquest of India, by the Muhammedans, one party at least—the conquerors—understood the language of the courts of justice;

but it has been the pleasure of the English to carry on business and administer justice in a language alike foreign to themselves, and to their subjects.

But there is reason to hope that some more liberal and enlightened plan will, ere long, be devised for the improvement of the people of India, that the road to knowledge and illumination will at length be thrown open to them, and that those who are willing to follow it, will be at full liberty to take their own course, without being compelled to mount on stilts of our construction, or to measure their steps by the footmarks which we have implanted. No country, and no people, have ever yet risen to eminence, or emancipated themselves from superstition, but by the exertion of native intellect, and the cultivation of indigenous literature; and all schemes of education that have not this object in view, will be found ineffectual as to any general benefit to the people upon whom it is to operate.

With regard to the *language* in which the affairs of the country ought to be administered, and in which the education of the people can be promoted with any hope of success, common sense seems at length to have asserted her dominion over the arguments of learning, and the visions of enthusiasm. Sanscrit, Arabic, and Persian, will, it is hoped, no longer be permitted to retard the progress of moral and intellectual improvement, which their exclusive study has hitherto effected, while the claims which have been advanced, on the other hand, for the universal establishment of English, to the prejudice of the living language and dialects of the country, must yield to the voice of reason, and matter-of-fact experience.

But common sense has yet another struggle before she can completely attain her end. The visionary schemes which formerly projected the imposition of a foreign tongue upon this mighty population, are not yet quite overthrown; a new position is now to be taken up, or rather a deserted one re-occupied. Old prejudice is again at work, and individual vanity in busy agitation. The question of language being set at rest, a new experiment is now proposed,—the substitution of our *written character* for that which is now in use among the natives, and by which the

intercourse of the country has been carried on for ages; its perfect adaptation to the language which it is intended to express, being universally allowed.

To what purpose is this innovation to be made? The reply resolves itself into its possibility, practicability, and expediency.

As to the possibility; this does not admit of doubt. The Roman alphabet, with the invention of new letters, and the application of dots and other marks to supply its deficiencies, may be rendered capable of representing any sound in the oriental, or, indeed, any language. This was demonstrated many years ago by Gilchrist and Sir William Jones. Letters are but mere arbitrary signs, or pictures, to denote certain sounds. What one set of letters can be made to express, can be equally well conveyed by another, provided we have an interpreter to explain their signification. An entirely new character, or several, may be invented for the same purpose.

The practicability of the plan may also be admitted, if sufficient means be employed to enforce it; for it will never be adopted voluntarily by the mass of the people. I have already alluded to the causes which favoured the adoption of the Roman character, in the countries which became subject to that power. Its introduction among the Gauls, and many other nations whom they subdued, was the natural consequence of knowledge and civilization, over barbarism and ignorance. The existence of letters among the far greater proportion of their foreign subjects, is, of itself, a matter of doubt; and the little learning they possessed was confined to an inconceivable few. The Romans established schools, and favoured the study of their own language. They taught their own letters naturally in their own character; and these, having among the mass of the people nothing to supplant, were adopted by all who hoped for promotion or advancement at their hands. Every instance of a change of the written character of a people, has taken place from one or other of these powerful causes\*.

\* Further evidence of the truth of this explanation of the causes which favoured the introduction of the Roman character into barbarous countries, may be gathered from the fact of its non-establishment in Greece, although that country was reduced to a Roman province, and the seat of empire

The Erse language is now instanced as an example of the triumph of the Roman over the Gaelic character, though the language itself still remains in use. It seems to be exactly a case in point, for this dialect of the Celtic language is one in which an original character has been doubted to exist. The opinion of Johnson, who took no little pains to investigate the subject, was decidedly against it\*; and as, in the establishment of schools in the Highlands, the Roman character was the only means of education afforded, no choice was left to those who were desirous to learn, but to adopt it.

I by no means assert the impracticability of the project in India, provided sufficient means are brought into action. This, like many other extraordinary measures, may doubtless be enforced; but we should take a fair view of the difficulty. Suppose the African government, so often alluded to, in England, were to make the attempt to induce us to abandon our written character, and adopt that of Timbuctoo; would the English readily accede to such a proposal? Yet there is little doubt that it might be carried into effect by the strong arm of power. If such an overwhelming military force were established that resistance was hopeless; if all the existing professors of learning in the colleges, tutors, and school-masters were discharged, and African teachers appointed in their stead, if the English were compelled to send their children to these schools, and severe punishment were inflicted on all who should presume to teach the English character, even extending it to the case of a parent instructing his own child; such measures as these, in the course of time, could scarcely fail to succeed. Those who were candidates for employment, would of course learn any language, or any character, which might be pointed out by their masters; but nothing short of such a plan would ever establish the general use of the Timbuctoo characters in English. Men are much the same in most countries, and are influenced by the same feelings, passions, and

brought into its immediate vicinity. Why was this? Because the Greeks were well versed in their own character, and had a literature of their own. | \* See Boswell's *Life of Johnson*, vol. i., p. 456, 477, 497. See, also, his Preface to Shaw's *Grammar of the Erse language*, vol. ii., p. 109.

prejudices. Why should we imagine that the natives of India will give up their character for ours? They are not illiterate savages; hundreds of thousands among them are able to read and write, and carry on their public and private concerns through this medium, like all other civilised people\*. We have, unfortunately, regulated our conduct towards them, both officially and as individuals, so as to have excited the strongest prejudices against us, and to have rendered our authority odious to them; but still, as long as it prevails, it will be their interest to submit to our will, and accommodate themselves to our whims and wishes. All those who aspire to official employment will, therefore, learn whatever we choose to dictate; but, with respect to the mass of the people, the very attempt to introduce the proposed change even in the mildest manner, will only still further exasperate their feelings against us; and, as to success, it may undoubtedly be attained by such means as are above described, but certainly not by any less decisive†.

But, with regard to the expediency of the measure, what object is to be gained? What benefit will result? The four classes into which those who, in this country, can read and write may be divided, are described in No. XXX.

The Roman character, as it at present exists, has been found so deficient in proper symbols to express the sounds of the oriental letters, that all sorts of diacritical marks, points, and dots, are to be adopted, and attached to different letters in order to denote the sounds required. After the labours of Davy, Williams, Halhed, Sir William Jones, Forster, Carey, Shakspeare, Haughton, Arnot, and Forbes, we are still so far from the desideratum, that a system different from any of these is now

\* We know so little of the people that the majority are, perhaps, unacquainted with the fact, that for one school or college, in any way supported by the English, there are at least a hundred, including village-schools, supported entirely by the people without any connexion with us, to say nothing of the immense number of children who are taught privately in their parents' houses.

† By such measures as these, we might even contrive to make them change their language. We have only to station a tutor and a police-officer in every family,—the one to teach English, the other to punish any who presumed to speak any other tongue. But "*Le jeu ne vaut pas la chandelle.*"

proposed\*. To acquire an accurate knowledge of the sounds conveyed by the various letters of any one of the alphabets which have been devised, marked as they are respectively with double, treble, and even quadruple dots, is just as difficult as to learn the Deva Nagree, or any other entirely new character; of the truth of which we may be in some measure convinced, when we reflect that, of all those who have professed to study any one of the above systems, some of which have been in vogue full fifty years, hardly any two of them adopted entirely the same orthography†. To write oriental languages in the Roman character may be useful to students in Europe, who have no native tutors at hand to teach them the pronounciation; but it certainly will be no advantage whatever to the people of India. The three first classes above-named will never adopt the new mode, which will be confined to the fourth, and the people in general will be as much excluded from all hope of official employment, or of acquiring any share in the administration of the affairs of their country, as they are at this moment.

But enough has been said, and it *is time* to act. Government ought, without further delay, to declare its intentions, and these

\* It is astonishing how great a share vanity has had in producing these repeated schemes for expressing the oriental languages in the Roman character: each successive speculator, as he toils in his study, surrounded by a halo of dots and dashes, which he mistakes for one of glory, indulges the pleasing vision of being handed down to posterity as the inventor of an universal "Hindee-Roman-Orthoepigraphical ultimatium,"—one of Gilchrist's long words. He rivalled Jeremy Bentham in this respect, of whom it was said,

And I'm witing a word three pages long,  
The Quarterly dogs to rout.

It would not be very difficult to invent half-a-dozen,—but *cui bono?* no civilized nation, who has possessed the use of letters for centuries, will ever *voluntarily* change them. When I was at school, it was a common amusement of some of the boys to invent new characters, and even languages. I recol-

lect two or three who manufactured a language by pronouncing English words backwards; by practice they became so well versed in it as to be able to converse together fluently; but they could not succeed in bringing it into general use: the rest of the boys preferred speaking in the usual mode, and pronouncing the words straight-forward. India has Babel enough of different sounds and characters, without this new infiction.

† It is probable that this Hindee-Roman-Orthoepigraphical alphabet is more difficult to learn than an entirely new alphabet. We are bewildered between the old sound which we have been accustomed to attach to particular letters, and their new significations; the double, treble, and quadruple dots and dashes are extremely puzzling to recollect; and most undoubtedly in writing, mistakes are much more likely to occur in using the halo-dotted letters than those of the Nagree.



should be guided, not by any visionary views, but by the rule of common sense and expediency. I will even take higher ground, and assert that the people have a right, as a mere measure of justice, to demand that the business of the courts and of the country generally should be administered in the vernacular language and character\*. Such a proceeding as this would tend, in a great degree, to restore confidence, and promote a kindly feeling among our native subjects towards their British-Indian rulers.

June 1, 1834.

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## No. XXXVI.

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### ON THE PROCEEDINGS OF THE CIVIL COURTS.

For 'tis a question, (law you know's our boast,)  
If plaintiff or defendant suffer most.—*India, a Poem.*

THE extreme difference between precept and practice in the British-Indian legislation has been often remarked; and notice has been taken of the little distinction which has been drawn between these in the numerous and just complaints which have been made of the difficulty, indeed, almost impossibility, of obtaining justice from our courts. As regards suits and causes between individuals, Government certainly have been actuated by good intention; and the laws which have been enacted, although undoubtedly capable of great improvement, exhibit provisions in a considerable degree calculated to promote the end in view. Where the interests of the Government have been concerned, (or what has been supposed to be such, for, unfortunately, our British-Indian rulers have not yet made the discovery that the true interests of Government and of the people

\* Some people have called upon the advocates of this system to prove that it would succeed. This is reversing the order of things. To carry on the concerns of any country in its own vernacular language and character, is so *prima facie* consonant, to common

sense, that those who support a different mode, ought first to be obliged to prove that the common-sense-one would not succeed. This never can be done, until the experiment shall have been fairly tried.

are the same,) a very different line of conduct has been pursued. Here justice, good faith, and even good policy, have all been disregarded, and sacrificed to the short-sighted object of realizing a present profit.

Let us now analyze the process prescribed for conducting a civil suit, and then proceed to describe the actual practice of the courts.

First. The plaint is to be filed, and defendant to be served with a notification requiring him to attend in person or by attorney, on a certain day, to answer the complaint.

Second. If, for any reason, the notification cannot be served on the defendant, a proclamation is to be issued, requiring his attendance by a certain day, (not within fifteen days of fixing the proclamation,) to answer the complaint. On non-attendance of the defendant, the case may proceed *ex-parte*.

Third. The defendant being in attendance, the court to fix a day for him to file his answer. Plaintiff is then to file a reply, which, however, is not to contain any matter not originally mentioned in the plaint, but simply to admit or deny the truth of the defendant's answer. On the same day, defendant is to file his rejoinder, which must not contain anything unmentioned in the reply, but simply to admit or deny the truth of the reply.

Fourth. Eight days' notice to be given for a first hearing, when the pleadings are to be read, exhibits called for, and witnesses summoned : the time allowed for this varying according to circumstances.

Fifth. The parties having been heard, exhibits filed and examined, and evidences taken, the court to pass judgment on the suit.

Such is the mode prescribed by Regulation II. of 1806, and III. of 1803, for the prosecution of a civil suit.

There are, of course, various other enactments and provisions, relative to the stamp-paper to be used ; neglect of witnesses to attend ; demanding security, on its appearing to be the intention of defendant to abscond ; and many other points ; but the general conduct of a suit is as above described ; and, upon the whole, the provisions seem rational enough, and might be completed within

a reasonable time, though doubtless the proceedings might be curtailed and otherwise improved.

There is one absurdity which is worth notice: viz., the utter inutility of the reply and rejoinder, according to the restriction of their contents to a simple denial or admission of the previous pleading. For illustration:—Plaint by A. “I lent B. 1000 rupees on a bond; as he has not paid a farthing, I sue him.” Answer by B. “It is true I borrowed the money, but at various times I have repaid altogether 800 rupees, and will repay the remainder shortly.” Reply by A. “The answer is false, he has not paid me anything.” Rejoinder by B. “The reply is false. I have repaid 800 rupees.”

Take another. Plaint by A. “I advanced 500 rupees to B., to supply me with indigo to that amount. The indigo was inferior in quality, and only worth 400 rupees; I sue for the remainder.” Answer by B. “The plaint is false: the indigo I furnished was of the best quality, and worth the sum I received.” Reply by A. “The answer is false: the indigo was only worth 400 rupees.” Rejoinder by B. “The reply is false; the indigo was worth 500 rupees.”—I could mention a hundred instances of the same sort; and, indeed, it is in very few cases that the reply and rejoinder are of the least use; and in these the strict letter of the law has been deviated from, and some explanation entered into. Yet the former must be filed in every case that is not *ex-parte*. The latter is, by Regulation XXVI. of 1814, optional.

In practice, many abuses and misconceptions have crept into almost every court in the country; many of which are to be attributed to the ignorance of the judges of the laws. The following is an instance. By the first provision, no specific time is ordered to be fixed in the notification, for the attendance of the defendant: and it would be supposed that the period would naturally vary in different cases, according to the distance of the residence of the defendant from the court. By the second, the proclamation is only necessary where the notification has, for any specific reason, not been duly served, yet the practice has been to fix the term of fifteen days in the notification; and whether, it were served or not, as a matter of course, to issue the proclama-

tion for fifteen days more before any further proceedings are held, at least in every court with which I am acquainted.

It is also worthy of observation, that, by the provisions laid down, the whole of the proceedings are supposed progressively to come under review of the judge as they are filed, and such ought to be the case; but this is utterly impossible in the present state of the courts.

In No. XXII. I described in general terms the practical mode of preparing a civil suit. I now proceed to describe the process in detail.

In the — Court a suit was filed by Rambucks, plaintiff, *v* Moolee, Chainoo, Bhuggi Kesree, and Gunga Ram, demand of 1,386-8 rupees, for money-advance, as per books; to enable them to cultivate their fields. The plaint was filed on the 5th September, 1829.

The notification and proclamation were duly issued, and the latter having been reported to have been affixed to the defendant's house on the 14th November, 1829, the case lay over.

On the 27th November, the defendants, who were all relations living together, gave in their answer, denying the debt altogether.

The reply was filed on the 4th February, 1830.

On the 18th April, 1830, plaintiff gave in a petition, that two of the defendants had absconded, and that the rest were preparing to do so, and requesting that they might be called to give security. He was ordered to prove this.

In the course of a few days, the evidence of his witnesses was taken, and an order issued to the nazir (sheriff) of the court to bring up the defendants in person.

On the 20th May, two of the defendants were brought up, the rest were reported not to be found. It was ordered that a written engagement should be taken from the two who were present not to dispose of their property.

Nothing further was done until the 9th April, 1831, when an order was passed to call on the plaintiff to bring forward his proofs within a week.

On the 30th March, 1832, plaintiff's list of witnesses was filed,

the summons was issued, and a notice served on the defendants to inform them.

Exhibits, accounts, &c. were filed on the part of plaintiff, the evidence of his witnesses taken and put with the case, 4th April.

On the 10th April, 1832, a decree was given for the plaintiff.

Here is another :

*Doollo v. Modar Buksh*, demand of 200 rupees on a bond. The plaint was filed on the 14th March, 1829: with it was a petition, that defendant was preparing to abscond, and praying that he might be required to give security.

After witnesses had been heard to this effect on the 20th March, the nazir was ordered to bring up the defendant in person, to which he reported on the 30th, that defendant had shut himself up in his house. Order "to put the report with the case."

On the 5th June the notification was issued.

On the 30th June the proclamation was ordered: it was attached to the defendant's door on the 26th July, 1829.

On the 23rd February, 1830, defendant filed his answer, admitting the bond and the receipt of the money, but urging that he had repaid it.

The reply was filed by plaintiff on the 15th February 1831, and on the same day was filed the bond and the list of his witnesses. Between this and the 5th May, a number of proceedings took place relative to summoning plaintiff's witnesses, calling on the attorney for the fee for the summons, reports by nazir that the fee was not paid, and so on.

On the 3rd. January, 1832, a proceeding was held, in which it was stated, that defendant having admitted the demand, there was no occasion to call on the plaintiff for proofs, but that the defendant should prove the repayment which he urged. Some further proceedings took place, calling on the defendant to bring his proof, reports of the nazir, &c. &c.

On the 30th March, 1832, a decree was given in favour of plaintiff.

It is proper to make a few remarks on these cases; and I should first observe, that I have omitted some of the technical part, in order to simplify the business, and that several petitions

were presented by the respective plaintiffs, praying, that their suits might be no longer deferred; on all of which the order was, "to be put with the case."

The suits appear so simple, that the uninitiated will wonder what could be the cause of delay: it was not from the negligence of the plaintiffs; they had not only appointed attorneys to conduct the suits, but were repeatedly in attendance in person; more than once, they brought their witnesses to court, but none of the officers had leisure to take the depositions. During the whole of the proceedings, the causes were never once before the judge, but were carried on, as is almost always the case, by the officials in the office; the papers being signed by the judge among piles of others: and when at last they were brought forward for hearing, it was, because the judge called for any short case which might be "prepared," to enable him to get through the prescribed number in the month; all the papers were muttered over as fast as possible; at the conclusion of which, *Diggory* (decree) was pronounced, and the head man then drew out the decree. No blame could be attached to the judge: this officer also held the situation of magistrate, and his whole time was insufficient to perform those duties properly; he could only perform the civil duties in the scrambling manner described. This is sufficiently proved from the tenour of the second suit. After the defendant had admitted the claim, and pleaded a repayment, there was no occasion whatever, to call on the plaintiff to file the bond and prove the loan of money; it then rested with the former to substantiate his plea. Yet, the plaintiff was only called on to bring the witnesses, but they were in attendance. The truth is, that all this was caused by the court officers, who wrote the usual orders, and brought them to the judge for signature; until one of them chanced to look over the case, and then wrote the order, dated January 3rd, 1832. These are by no means insulated cases, selected for effect, but may be taken as fair specimens of the mode in which the civil business has been hitherto transacted in the British-Indian courts of justice: the reason being, that every office has been loaded with much more work than it is possible to perform.

But this is only the first stage. Of the practice of delaying a

suit by vexatious appeals, some notice has already been taken, and some additional remarks will be offered in this paper. In the mean time let us proceed to describe the process of the execution of a decree. Take the following in illustration :—

On the 10th January, 1829, a petition was given, praying for the enforcement of a decree amounting, with the costs of suit, to 321 rupees. Order, “A report from the office to be furnished.” After hearing the report, as the suit had been decided *ex-parte*, on the 5th February, a notice was issued to the defendant: report served; and ordered “to be put with the case.”

On the 12th April, 1829, plaintiff again petitioned for the execution of his decree: on which another report was called for from the record-keeper; and on the 25th April execution was ordered. The nazir (sheriff) reported that he had arrested one of the defendants, who was rescued by his friends; the other two had absconded. Order on this, “The report to be filed with the case, which is to be heard when the judge is at leisure to attend to it.”

On the 8th June, 1829, plaintiff again petitioned, praying the defendant's landed property might be sold in satisfaction of the decree. A report on the state of the case was again called for from the office; and on the 20th September, a proceeding was transmitted to the collector, to inquire what landed property the defendant possessed.

On the 15th of January, 1830, plaintiff again petitioned, and again was a report called for from the record-officer; after hearing which, an order for execution was issued. The return was, that the defendants had absconded. Order, “The return to be filed with the case.” On the 10th May, 1830, an answer was received from the collector, stating what lands the defendant possessed.

The same sort of proceedings went on during the years 1830 and 31, after which, the patience of the poor plaintiff was exhausted, until the year 1833, when, the new system having been introduced, and a new judge having been appointed, the case was brought to a hearing, and the decree finally enforced.

The following case is a still stronger instance of the mode of administering justice in the Company's courts:

On the 20th February, 1821, a suit was filed for 393 rupees,

value of goods furnished ; was referred to the registrar, by whom a decree was given in favour of plaintiff, on the 12th January, 1822. It was appealed, and the appeal decided on the 12th May, 1826, confirming the original decision ; of the justice of which there was not the slightest doubt, the appeal having only been made to avoid payment, and in the hopes of some lucky chance occurring in favour of the dishonest litigant.

On the 16th May, 1826, execution was prayed against Munsook and Keree, the defendants ; and against Jesook and Bulloo, who had been securities, on the cause being appealed. It was ordered, and Munsook was arrested and imprisoned, on the 8th June.

On the 2nd August, plaintiff prayed execution against the securities,—it was ordered, and they were arrested, but on their assertion that the defendants had plenty of property, against which plaintiff should first proceed, they were released, and ordered to point out any property belonging to the defendants.

On the 27th August, one house in one street, two small houses in another street, some jars of oil, and other small articles, were attached.

On the 12th September, plaintiff, finding it almost impossible to get anything done, declined paying any longer the subsistence for Munsook, who was accordingly released.

On the 26th December, the notification was issued to any claimants to the property to come forward.

N. B. As none appeared within the period allowed, thirty days, the order for the sale ought at once to have been issued.

On the 23rd March, 1827, plaintiff again petitioned for his case to be proceeded in. Ordered “to be filed with the case.”

On 6th April, defendants presented a petition offering to pay 200 rupees cash, and the rest by instalments ; to which plaintiff gave in a counter statement, that it was a mere device to put off the business, because they knew that he was a resident of a distant part of the country, and that he was shortly about to return home.

At last, on the 22nd April, the sale of the property was ordered.

On the 14th May, a person named Sookhee brought forward



a claim for 50 rupees, on a mortgage on the two small houses. Unless he could give satisfactory reasons for his not having preferred his claim within the period, it ought not to have been attended to; but in the little attention which the press of business allowed, no question was ever asked; he was desired to prove his claim.

On the 2nd June, the order for the sale was actually issued. The two small houses and some few minor articles were sold for 128 rupees, on the 6th September, and the single house for 198 rupees, on the 25th September.

On the 22nd October, 202 rupees were paid to plaintiff.

N. B.—This was another instance of irregularity from pressure of business. The correctness of Sookhee's claim to 50 rupees on the mortgage had not yet been investigated; still it would only have been necessary to have kept 50 rupees in deposit, all the rest might have been paid to the plaintiff; but the whole of the sum realized from the two small houses was retained.

Plaintiff again prayed to realize the balance, on the 24th October, and execution was ordered against the securities: they were arrested on the 29th December, urged that there was still property belonging to the defendants, under attachment, and prayed that that might first be sold. This was a mere put-off, because the few articles which remained were not worth a tenth of the balance, as a reference to the list would have shown; but no one had time for this, and the order was passed to sell the remainder.

This, however, was not done without several petitions, orders, and reports, and the sale was not effected until the 20th of February, 1828.

On the 18th of March, plaintiff petitioned to receive what money was in the treasury, and that the balance might be realized from the securities. Ordered "to be filed with the case."

On the 20th of November, 1828, Sookhee petitioned for the payment of his mortgage-money. Ordered "to prove the mortgage."

On the 16th of December, plaintiff gave a petition similar to that of the 18th of March, and a similar order was passed.

On the 23rd of July, 1830, a similar petition was again presented by plaintiff; and, after a report on the case being called for from the record-office, the order was given to pay him all but 50 rupees, which was to be retained in deposit.

Some time after, Sookhee proved his mortgage, and recovered his 50 rupees. Plaintiff then returned home, and no further proceedings were held in the case.

Now, although the process for the execution of a decree might, doubtless, be simplified, or rather shortened, for if properly carried into effect, it is simple enough, yet if it had, in this case, been enforced as it ought to have been, the plaintiff would, in a very short time, have received the whole of his demand, for the securities were men of large property. The regulations prescribe that, on a petition for execution being presented, after comparing it with the original decree, it is to be enforced,—if for land, or real property, by transferring possession to the person who has gained the decree,—if for personal property, by causing the delivery of it, or its value. If a sum of money be adjudged, it may be levied by public sale of sufficient property, real or personal, belonging to the party against whom judgment has been passed, or by the arrest of his person; or, if necessary, both by sale of his property or confinement of his person.

To prevent the delay of a reference to the records, those who petition for execution always bring with them the authenticated copy of the decree; after examining this, all that is necessary is, at once to issue an order for arrest of person and attachment of property: if the sheriff and his officers do their duty, it is carried into effect; and, in most instances, is followed by the payment, or, at least, by an arrangement. If not, the court ought, without waiting for further petitions from the plaintiffs, at once to issue the notification to claimants to the property, and, at the end of the prescribed period, to carry the sale into effect. But what judge, or what court-officers, have ever yet had leisure to attend to these matters? The cases lie unnoticed till the parties are worn out with dancing attendance, and giving petition after petition, on almost all of which, the order is, “to be filed with the case, which will be heard when the judge has leisure.” The

officers of the courts have much excuse in the heavy business which is expected from them; but their object is to create as much delay as possible, for therefrom springs their harvest of illegal fees and douceurs, to forward the business of those who are willing to pay. The irregularity of the proceedings was also much increased by men being appointed judges, who, however well qualified in the essentials of integrity, good sense, and a knowledge of the language and customs of the people, were often quite unacquainted with all the technicalities of the Civil Regulations, and had no leisure to learn them. These causes are quite sufficient to account for the endless abuses which crept into every department, particularly into that of the execution of decrees, which seems to have suffered more neglect than any. One of the most common was, for the defendant to bribe the person sent to arrest him, who reported the former not to be found; and it was hopeless for the plaintiffs to attempt to bring such roguery to the notice of the judge.

In both these examples of execution of decrees, I have omitted some detail, not to tire the patience of my readers. Among other things, in the second, some of the jars of oil belonged to a poor villager, who had brought them to town for sale, and, being acquainted with the defendant, had chanced to put up at his house on the day before the execution was issued. The owner of the oil presented several petitions, and twice brought his witnesses to the court; nay, what is more, the plaintiff himself was well aware that the oil belonged to him, and not to the defendant, and wished to get it released from attachment, and restored to the poor man; but nothing was done, and as it was less loss to give up the oil than to remain in attendance on the court for a couple of years, the villager went home, and the oil was sold among other things. As to Sookhee, it was no fault of his that his claim to the 50 rupees, advanced on a mortgage upon the houses, lay in abeyance from the 14th of March, 1826, to the beginning of 1831. He was repeatedly in attendance at the court, with his witnesses, but pressure of business prevented his obtaining any notice. The same cause enabled the securities to postpone the evil day whenever they were called upon for pay-

ment, trusting to chance for the future ; and here, as in hundreds of other instances, their good fortune bore them out ; they avoided payment altogether, for the plaintiff finally returned home, having gained 285 rupees, (the total he received) out of a demand of 395 rupees, *after nine years and a half of litigation*. The interest of his money, and the costs of suit, were altogether lost ; and this where the parties resided within a mile of the court, and in which the defendants and their securities possessed ample means to satisfy the demand. This suit is one of hundreds that, had justice been on a proper footing, would never have been brought into court, as the demand would not have been resisted.

The former of the two cases furnishes a striking instance of the evils of a judge who is unacquainted with the technical part of his business, in the repeated calls for reports from the office on the state of the case, on a petition being presented. All this was not only needless, but contrary to the spirit of the Regulations ; but, in addition to want of knowledge, the judge who is alluded to, had adopted a strange notion, that the natives were such rascals, that if he did not take great care they would cause the execution of their decrees and realize the money two or three times over. He could not have given a stronger proof of his ignorance of business, and of the little communication he had ever had with the people, to imagine that the execution of a decree was so easy a matter\*.

These, I beg to repeat, are fair examples of the mode in which the execution of decrees has been hitherto performed. Thousands of the same nature might be produced : thousands more in which, after an equal delay, no final order has been passed, and thousands more which the respective plaintiffs have never brought forward for execution, from the hopelessness of getting their demand enforced†.

\* The restrictions and cautionary measures in our civil courts all seem to have been enacted under the extraordinary idea, that the roguery will be on the part, not of the plaintiffs, but of the defendants.

† My readers will remember the statement made by the court of Sudder Dewanee, that in five years

*seventy thousand* decrees had been passed, for execution of which no application had been made ; and that the court inferred the reason to be, because the creditors despaired of success in getting their decrees enforced.—*Circular Orders, March 10, 1820*. I could mention one court in which the unexecuted decrees amount to about 12,000.

That I may not be accused of exaggeration, I will now detail the summary of a result of a large number of suits filed by a merchant in one court. It was drawn up at the end of 1830.

Between the 1st of January, 1824, and 21st of March, 1828, he had occasion to file 119 suits against cultivators to whom he had advanced money for indigo and other produce.

Two of these, filed, one in October, 1826, the other in June, 1827, were still undecided: the amount claimed being 673 rupees.

Two were dismissed in default; the amount claimed being 504 rupees.

Ten were adjusted by agreement; the defendants either paying, or making arrangements to pay, by instalments; the amount claimed being 6564 rupees.

Of the remaining 105 is the following detail:—Forty-two were filed in 1824, fifteen in 1825, twenty-nine in 1826, sixteen in 1827, and three in 1828. In all these decrees were given.

The average time which each lay on the file before decision was one year, nine months, and twenty-five days.

The shortest period in which any cause was decided was two months and thirteen days, the longest four years, five months and a half.

In only seven was the execution of the decrees delayed by appeals; the amount claimed by these was 11,709 rupees.

The total amount sued for of the 105 suits was 99,091 rupees. The total legal cost of suits to the plaintiff, exclusive of *douceurs* and other extra expenses, was 9550 rupees, or not quite ten per cent.

The total amount realized out of these 105 causes was 27,908 rupees\*, up to the close of 1830.

Now, a little examination will show that, to apply to the British-Indian courts is only one degree better than at once to submit to the loss of one's money.

The greater part of the costs, *i. e.*, the price of the stamp-paper and the lawyers' fees, must be incurred at the commencement of a suit. On the average, it was about four years after the institution of a suit that the plaintiff realized what money he did receive; the sum he had expended in stamp-paper and lawyers' fees, with

\* The fractions of rupees are omitted.

the ordinary interest at 12 per cent., would amount in four years to about 15,000 rupees, yet the whole he was able to realize was 27,908; and the court was then in such a state that he had little hope of obtaining any more. The truth is, that he was enabled to do so much only by paying douceurs to the officers of the court, the amount of which is not included in the sum above given as costs, and because a personal friend chanced to be sent to act as judge for some time. He had an equal number of suits in two other courts, and the result was the same. Again, I say, let my readers compare the proceedings in which individuals are concerned with those which provide for the realization of a demand of revenue. I have now by me a statement drawn up from nearly ninety cases in execution of decrees in another court from the years 1824 to 1834: it has been calculated by taking the first eight cases completed in each year; and the average it gives is, for each case, two years, two months, and two days, from the day on which the petition of execution was filed until it was completed. The following abstract is of the execution of the decisions original and appeal, of the judge of one court. It has been made up to the end of May, 1834:—

During the Year	Number of Executions applied for.		Completed by May, 1834.	Remain on the File.	
1824 - -	52 - -	- -	48 - -	- -	4
1825 - -	35 - -	- -	28 - -	- -	7
1826 - -	317 - -	- -	202 - -	- -	115
1827 - -	143 - -	- -	75 - -	- -	68
1828 - -	54 - -	- -	18 - -	- -	36
1829 - -	48 - -	- -	24 - -	- -	24
1830 - -	63 - -	- -	38 - -	- -	25
1831 - -	36 - -	- -	15 - -	- -	21
1832 - -	60 - -	- -	15 - -	- -	45
1833 - -	125 - -	- -	77 - -	- -	48
Total - -	933 - -	- -	540 - -	- -	393

Yet the new system has been introduced into the district to which this alluded for two years; and nearly half of the 540 have been completed within the last eighteen months.

These are the sort of statements that are now wanted; we have had abundance of declamation on the merits and demerits of the

British-Indian government. Let those who so loudly extol the excellence of the system of justice which we have established, ponder well on the facts detailed in this and other numbers of these papers. Until the voice of the people is heard, and their statements compared with our own, no one who is sincerely desirous of learning the truth can be satisfied that he is in possession of it; but in the mean time much may be done, if individuals will come forward, and give to the public similar accounts of suits in which they are concerned, and of the proceedings of the courts. I can answer for six districts in which business is carried on in the same mode as that represented in this paper.

The natives have a proverb, "Speedy injustice is better than tardy justice;" thousands of examples to prove its truth occur annually in British India. A creditor for 1000 rupees goes into the *corrupt* native court (as we choose to call them), and prefers his complaint. Granting that things are at the worst, the judge, having taken a bribe from the opposite party, at once dismisses the complaint. This is lamentable; but at least the injured party sees at once the extent of the injustice; and, being helpless, makes up his mind to submit. Another, who has a similar demand, goes to the upright British judge, and is delighted to hear that he has found a tribunal where equal justice is administered to rich and poor. He accordingly gains a decree for his 1000 rupees, and to a certain extent causes it to be executed; but at the conclusion, what is the result? Why, that, after dancing attendance, and spending 400 or 500 rupees in fees, costs, and the expenses of travelling backwards and forwards, (the last of which are never included in the sum awarded,) to say nothing of the loss of time and vexation entailed upon him, he realizes about 300 rupees\*; while the defendant, who is well able to pay, is laughing at him, and boasting of the means by which he has defeated a just demand†.

Well may the Court of Directors observe, "We should be sorry that, from the accumulation of such arrears, there should

\* Often not so much.

† It may surprise those who are so firmly convinced of the corruption of the natives of India, to learn that not

one suitor in five hundred will file a suit in the district court in which the British judge presides, if he can contrive to prefer it in that of the local moonsiff (native

ever be room to raise a question, whether it were not better to leave the natives to their own arbitrary and precipitate tribunals, than to harass their feelings and injure their property, by an endless procrastination of their suit under the pretence of more deliberate justice."

So pitiful a thing is suitor's state.

Full little know'st thou, thou that hast not tried  
 What hell it is in suing long to bide ;  
 To lose good days that might be better spent ;  
 To waste long nights in pensive discontent ;  
 To speed to-day, to be put back to-morrow ;  
 To feed in hope, to pine with fear and sorrow ;  
 To have thy *judge's* grace, yet want *his* peers' \* ;  
 To have thy asking, yet wait many years ;  
 To fret thy soul with crosses and with cares ;  
 To eat thy heart through comfortless despairs ;  
 To fawn, to crouch, to wait, to ride, to run,  
 To give, to spend, to want, to be undone.

But it may be asked, why bring forward these grievances now that the system has been changed? It has been changed certainly, and some little improvement has taken place in some few districts; while, in others, the suitors are precisely in as bad a situation as they were; nor is it likely to improve, unless Government will do their duty, and appoint a sufficient number of judges to clear off the existing arrears, and once for all place business in an efficient state. The Sudder Dewance, (chief civil court,) who ought to set the example, notwithstanding the numerous judges appointed to it, moves in civil business very little, if at all, faster than the old courts of appeal†. Government find little difficulty in devising summary modes of proceeding, and in finding a sufficiency of officers to execute them, where their own

judge for causes of small amount). It very often occurs, that when loans are made, or money advanced for mercantile speculations, to an amount which would place the suit, should such be necessary, beyond the cognizance of a moonsiff, the lender divides the sum total into separate portions, taking a distinct bond for each, with the view of being able to prefer his plaint in the court of the moonsiff, and to avoid the

necessity of having recourse to that of the judge.

\* The native officers of the courts are often more than the *peers* of the judges; inasmuch as their countenance and favour is of much greater consequence to the suitors.

† Since this was published, the chief court has shown an improvement in its proceedings.



interest, in the collection of the revenue, is concerned: the administration of justice to sixty millions is, in the estimation of our rulers, an object of minor importance. But even in this view, it would be found that a system of justice, which should establish credit, would tend to improve the condition of the people, and of course afford greater means for the increase of the Government rent-roll. At present the evils are insupportable, and the virtual denial of justice in the civil courts is the parent of an incalculable load of crime. We hear loud complaints of the harsh and lawless proceedings of the Bengal indigo-planters. These are, probably, told with some share of exaggeration, and there is much excuse for them; the impossibility of obtaining anything like justice in the British-Indian courts often obliges them to take the law into their own hands.

The primary operation of the civil courts requires revision; but the first step, the gaining a decree, goes but a small way in enabling the suitor to realize his demand. It is the after-process that creates a much more harassing delay; and upon this I have to offer one or two suggestions.

First. Every decree for money on personal property ought at once to be enforced, and no appeal should be allowed until the previous order shall have been complied with, and the whole sum decreed, with costs and interest, shall have been liquidated.

This may occasionally cause some hardship or injustice on an individual, but, as we cannot have perfection, our only course is, of two evils to choose the least; and there can be no doubt that this would produce a much less amount of injury than results under the existing system. It is, undoubtedly, true, that an erroneous decision is occasionally given, but it is better that one man should be obliged unjustly to pay a sum of money to another, which he may, in the course of a couple of months\*, recover with interest, than that ten or twelve should for years be kept in

\* If justice were on anything like a proper footing, a month, six weeks, or two months at the utmost, would, on the average, be sufficient time to decide appeals made to the district judges from the decisions of the subordinate

officers, either sudder ameen or mooniffs; and three to four months quite time enough to decide appeals made to the Sudder Dewannee, from the decisions of the district judges.

suspense, and prevented from realizing their just demands; many of whom would lose the whole by chicane and delay. The result of such a law would be, that a far less number of original suits would be brought into the courts than at present, and the appeals would be infinitely fewer. The primary courts would, therefore, have more time to devote to deliberate investigation of the causes before them, and the tribunals of appeal would have leisure generally to inspect closely the proceedings of the subordinate courts. It is the prospect of delay by appeals and after-proceedings that induces debtors to refuse just demands, and thereby compels the creditors to have recourse to the courts. Owing to the introduction of the usury-laws, the former refuse to pay, because they know that, by keeping possession of the money, they shall be enabled to make more by lending it out, than the additional costs and legal interest, which will be awarded, will amount to. An immense number of the suits preferred in the British-Indian courts, exhibit the most barefaced, unblushing impudence, on the part of the defendants, that can be imagined, and would never have had the possibility of occurring were justice administered as it ought to be.

The following table will exhibit this in a correct light. The cases are not selected, but taken consecutively as they stood on the file; and the decisions are those of four British judges, and six native sudder ameens and moonsiffs.

1. Total number of suits	-	-	-	1228
2. Decreed in full for plaintiff, with costs	-	-	-	702
3. Adjusted by agreement (razenameh)	-	-	-	327
4. Partially decreed	-	-	-	57
5. Nonsuited	-	-	-	81
6. Dismissed, costs to be paid by plaintiffs	-	-	-	61

It does not follow that the whole of the sixty-one dismissed, were false or litigious suits; many of them may have been just demands, but which the plaintiffs, from the death of witnesses, loss of documents, or other cause, may have been unable to prove, or which may have been defeated by fraud and roguery on the part of the defendants. The eighty-one cases nonsuited were probably all just demands, but which were dismissed on default of

attendance on the part of the plaintiffs, whose patience had been quite exhausted. Those adjusted by agreement were withdrawn, because defendants paid the demands. The annexed statement will show the proportion of appealed cases confirmed and reversed; it is drawn up from consecutive decisions of four different judges, in appeals from sudder ameen and moonsiffs.

1. Total number	-	-	-	-	-	-	412
2. Confirmed	-	-	-	-	-	-	309
3. Returned for further hearing to the subordinate court							11
4. Withdrawn	-	-	-	-	-	-	13
5. Reversed	-	-	-	-	-	-	61
6. Altered	-	-	-	-	-	-	18

There can be little doubt, that, if the plan were extended to decisions relative to real property, it would be productive of more good and less evil; but this will, probably, be prevented by the indecision so characteristic of the Government. If some provisions were made to decide the appeals without delay, the mischief would be of very little moment.

Some modifications of the mode of executing decrees are, also, imperatively necessary, particularly in the proceedings which are prescribed for the arrest of the debtor, and for resistance of process.

Once more I call upon all those who suffer by the existing system, by which justice is unattainable, except at a price beyond its worth, to come forward, and publish plain unvarnished statements of causes and transactions in the courts to which they have been parties\*. The merchants and settlers must exert themselves if they expect any improvement, and nothing but repeated publicity will shame the Government into devoting a portion of the revenue which is wrung from India, towards the promotion of a proper administration of its affairs.

June 5, 1834.

\* In May, 1832, a publication appeared in the *India Gazette*, entitled "Some Passages in the Life of Peer Buksh, weaver." It is to be hoped some more of the hundreds of similar instances of oppression which constantly occur will be given to the public.

## No. XXXVII.

## ON THE PROSPECTS OF ENGLISH SETTLERS.

SOME allusion was made generally to this subject in No. VI. of these papers. The real object of the Court of Directors in preventing the colonization of Englishmen in India was there treated of; and it is gratifying to perceive that the views which were then exhibited, have been generally allowed to be correct\*. More liberal ideas on this head have guided the framers of the new charter; and the idea is now thrown open to all who are inclined to try their fortunes in this interesting country. The present moment offers a favourable opportunity to discuss the prospects which are afforded to Englishmen who are about to settle in it.

These certainly are none of the brightest; and were I in England, I should say to all who cast a longing eye hitherward, "Go not to India, unless you have previously made arrangements to secure some employment or situation." But at this distance, the warning voice would be heard in vain; and were it raised on the spot, it would probably have as little effect. India is still considered the land of wealth, ease, and luxury; and the people of England in general know so little about it, that they imagine a man has but to set his foot upon the soil to be on the high road to riches†.

Absurd as these notions appear to us, who are toiling under a burning sun for a hardly-earned subsistence, with the prospect of being able to return home with a moderate competence only after twenty or thirty years' labour, they are not much to be wondered at, when we take into consideration the circumstances which have given rise to them. It has been abundantly shown that the chief principle of the British occupation of this country has always

\* In the *Edinburgh Review* for July, 1833, at the close of an article on Steam Navigation to India, are some remarks which exhibit a curious coincidence with many of the sentiments expressed in Nos. VI., XII., XIII., and XIV., of this series.

† About five years ago, a young man came to India to try his fortune as a "free mariner;" he brought several letters of recommendation, any one of which he was assured was quite sufficient to put him in the way of making a rapid fortune.

been that of pecuniary advantage; a principle which has never yielded one moment to the interests of millions of native inhabitants which have been placed in competition with it; it has been the mainspring of action with all who have borne a share in the management of the affairs of the country; and all sound policy and foresight have been sacrificed to the selfish views of those who have been intrusted with the conduct of its administration. The British ministry have, at various times, according to existing circumstances, supported these measures, in consideration of loans, patronage\*, and the acquisition of a temporary popularity. The Court of Directors have acted on the same system, in order to secure their own share of patronage, and a provision for their relations and friends; while those on whom the executive internal government of the empire has devolved, have been obliged to mould their conduct according to the views and instructions of their masters.

One of the necessary results of such a principle was, that the execution of business was confided to the smallest number that could possibly carry on its details; first, in order to secure as large a profit as could be raised for the owners of the estate at home; and, secondly, to ensure the utmost exertions of the agents, who must be allowed to realize considerable fortunes for themselves. When we take all these things into consideration,—the extraordinary and unprecedented acquisition of our political power in India,—the limited number of Englishmen who divided among themselves all offices of respectability and emolument, in a country equal in extent to the half of Europe,—and the still smaller number of men, independent of the Government, who were able to gain a footing therein, and to devote their attention

\* In 1698, a sum of 2,000,000*l.* was raised from the new Company for the use of Government, at 8 per cent. In 1708, 1,200,000*l.* was levied from the United Company, without interest. In 1732, additional sums were exacted. In 1767, it was settled that the Company were to pay 400,000*l.* annually to the exchequer; in return for which, in 1769, a grant of the territorial revenues of India was made to

the Company for five years. In 1781, the payment of the 400,000*l.* per annum, which in the interim had been discontinued, was again exacted. In 1784, another bargain was arranged between the ministers and the Company. And in 1793, it was arranged that 500,000*l.* should annually be given to the nation, as a tribute from its Indian dominion.

to trade,—and, moreover, that every species of corruption and extortion was, for a long time, most unblushingly practised by all connected with power; it will cease to be a matter of surprise that many were enabled to retire to their native land with enormous wealth. The wonder is, that these fortunate individuals were so few; and it is only to be accounted for by the fact which has at length forced itself upon our conviction, and dispelled the delusion which has so long existed, that the wealth of India has been very greatly overrated.

But all these circumstances were little considered, indeed, scarcely known in England. It was observed that young men of humble, or, at best, moderate abilities, possessed of little interest, and few external advantages, embarked for India, and, after a residence there of a few years, returned home with large sums of money. Even in this view, a little reflection, "*si mens non læva fuisset*," would have served to dispel the exaggerated notions which had been formed, and enabled us to perceive how small a portion of those who had winged their way to the Eastern world ever returned to display their wealth to the wondering eyes of their countrymen; the fortunate one was a conspicuous object, while the "*ignota turba*," who had fallen victims to the climate, to disease, and disappointment, were unthought of,

Unwept, unhonoured, and unsung.

But the halcyon days of India are over; she has been drained of a large proportion of the wealth she once possessed; and her energies have been cramped by a sordid system of misrule to which the interests of millions have been sacrificed for the benefit of the few. The servants of Government have no longer contracts or perquisites; those who eventually succeed in realizing a competence, must be content to acquire it by patient industry, prudent economy, and incessant labour of mind and body.

The palmy days of the great mercantile aristocracy are also passed away; and those who may be journeying to the El Dorado of India, should reflect on the change of times and circumstances. But a few years have elapsed, since six or seven "houses of agency" stood conspicuous in the city of palaces. They were the great mercantile leviathans of the East, uniting

in their respective firms the various characters of banker, ship-owner, merchant, and agent; and possessed a virtual monopoly of the whole of the foreign, and some portion of the internal trade of a country about six times as large as the British Islands. The respective partners could, therefore, well afford to live in the highest style of luxury, and still, at the end of a few years, were able to return home with the most princely fortunes.

Various circumstances have contributed towards this change. The most conspicuous is, the opening of the trade in the year 1813. Instead of employing the established firms in India to manage their affairs, many of the larger English houses sent agents of their own, who had moderate salaries and moderate ideas. The extravagant style in which the agents of the old school lived in Calcutta, could not fail to attract attention; and it did not require much shrewdness to perceive that a man who spent two or three thousand pounds a year, must have much larger profits than one who was content with five hundred. The consequence was, that many of the established correspondents of the Calcutta agency-houses gradually withdrew their business from the latter; and either sent out agents of their own, or transferred it to those of the new description, whom they found already settled in India. Had the old houses taken warning by the signs of the times, contracted their dealings, reduced their establishments, and retrenched their personal expenses, it is probable that every firm might have been in existence at this moment. It is true, that they would have ceased to be the *great mercantile aristocracy*, and must have been content to occupy a position many degrees lower than that on which they formerly stood, and to have taken their place, among many others, as wealthy and as influential as themselves.

It is impossible but that some at least among them must have foreseen the crisis that sooner or later must have taken place. Unfortunately, however, a mixture of false pride, and the vain hope of better days, prevented them from suiting their conduct so as to meet the revolution of affairs. They speculated as deeply, and pursued the same system of extravagance as before, both in their mercantile business and private concerns. It is

surprising that none of their constituents came forward to call their attention to the unavoidable result of the course that they were pursuing ; but an infatuated confidence seems to have taken possession of all. The gradual impoverishment of the people and country, under the mode of rule established by the British government, has perhaps hastened their fall ; but it could not have been much longer delayed ; and it is to be hoped that a more sound and healthy system of mercantile operations will henceforward be introduced in India.

The same change has taken place in the prospects of the private indigo planters, and other merchants who resided in the interior of the country, and for the same reason. The monopoly is gone. Formerly there were one or two in a district, who lived in the first style of luxury and splendour, employed several assistants whose pay and expenses amounted each to about 500*l.* a year, and who, nevertheless, were enabled to accumulate large fortunes. Of late years the number has greatly increased, while profits have so diminished that, in general, an indigo-planter of the present day may think himself well off if he can afford to spend as much, or even *nearly* as much, as he was formerly accustomed to allow to one of his assistants. The prospects of being able to return home with a competence are greatly reduced ; and should the number of settlers still further increase, this hope will be almost annihilated.

Still, though of limited extent, there is doubtless some field yet open for the employment of English skill, enterprise, and capital. Two indispensable points should, however, be borne in mind to prevent disappointment ; first, the qualifications requisite in the settlers ; secondly, a just discrimination as to the objects which are likely to hold out advantages to English speculators, and those which should be abandoned to the natives, from the impossibility of Englishmen being able to compete with them.

Under the first head must be classed the possession of some capital ; a good knowledge of the language and character of the people ; and the determination to settle in India for life, with no greater ambition than the prospect of obtaining a comfortable livelihood, and a provision for enabling their children to do the



same; to which must be added a resolution to submit to many privations and annoyances; besides the risk of ill-health in a climate uncongenial to the English constitution.

It is to no purpose to revert to the days which are gone, to quote the numbers who, on their first arrival in India, and while ignorant of the language, customs, and character of the people, have, on borrowed capital, conducted mercantile transactions with success, and realized large fortunes\*: the times are changed beyond recall; and those who come to India with golden dreams and visions of sudden riches will infallibly meet with mortification and disappointment. The conditions above stated are indispensable. With such views before them, who, it will be asked, will leave England with the view of settling in India? Of those who take the subject into full and dispassionate consideration, the number would be few indeed; and even these would do better to look elsewhere. Canada, the United States, the Cape of Good Hope, and Australia, offer to all who possess the requisite qualifications a much finer field for speculation than India; particularly as one great drawback to settlement here does not exist, or at least very partially, in any of the other four countries. The *language* of those is English; and though there may be a little modification of character and the modes of dealing in those countries, they are scarcely perceptible compared with the state of things in India, where everything will be new. "For your own sakes (I again repeat to men of skill and capital) come not to India;" but for the sake of the country and the people I should welcome your arrival most cordially.

The exaggerated ideas of English wealth, however, are still so generally prevalent, that some will probably be induced to make the experiment; and for their information and advantage, let us

\* One of the causes of the exaggerated ideas of Indian wealth has been given, and there are others which may be alluded to hereafter. The possession of some capital is almost a *sine qua non* for new settlers: they will find it extremely difficult to borrow of the native bankers and merchants, except by the temptation of such exorbitant interest that it would be ruinous.

The reasons are, the general impoverishment of the country, the great losses which the natives have suffered by their dealings with the English merchants, and the dread of being involved in any process of the Supreme Court. India is rich in natural resources, were they properly developed; but, in proportion to the extent of country and population, poor in money.

Calcutta, be bought at a lower price than that for which they can made on the spot, where all is done by hand, without the assistance be of machinery. It is also cheaper in the end to use English carpenters' tools than those made in India; a proof that there is a great room for improvement in the latter, with a fair prospect of profit as a reward for success. The same remarks apply to cutlery.

*Glass* might probably be made in India, of a sufficiently good quality to supersede that which is now brought from England, at least in some branches. The manufacture has been known in the country for some years; and I have seen tumblers made at Lucknow, equal to the coarser description which are produced in England.

*Clock and watch-making*.—A man who, in addition to this trade, should possess sufficient knowledge of that of an optician to be able to repair surveying instruments, &c., might gain a very tolerable livelihood in a central spot in the upper provinces.

The establishment of the new presidency, would afford a good opening for an *upholsterer and cabinet-maker*. It is true, there are people of this description at several of the large stations in the interior, who do not meet with much success. The reason is want of capital. The climate requires that wood used for such purposes should be seasoned for several years before it is worked up; not one of those who have attempted these trades have possessed sufficient capital for this. The consequence is, that most of the furniture comes from Calcutta. But the climate of Bengal is so moist, that timbers can never be properly seasoned there, so as to bear the dry hot winds of the upper provinces. A man who had a capital to enable him to carry on the business properly, would produce work far better calculated to stand the climate of Upper India than any that is made in Calcutta. Indeed, when we consider the quickness of transport down the river, and the number of boats that return empty, it is not improbable that in the course of time furniture might be sent from Upper India to Calcutta.

For a considerable time, English *coach-makers* have been located at Khanpore, Meerut, and other large stations in that part of the country.

*Saddlery and harness-making.*—This business has been carried on for many years in Upper India. It does not afford much field for additional employment beyond what exists at present. The saddlers of the King's dragoon regiments at Meerut and Khan-poor already supply a great deal of what is wanted in this line; and they have more or less the use of the public establishments and the tools attached to their department, which give them great advantages over private individuals. There are, also, native workmen, whose work is little inferior to that of the English dragoon saddlers, and considerably cheaper. The sum required to make a set of harness is not so great, so that they find no difficulty in buying a few hides. There are already some English tradesmen of this description, exclusive of the dragoon saddlers.

*Gun-making.*—A tradesman of this description, might, perhaps, find sufficient employment at the seat of the new presidency; but he would meet with much competition from the armourers of the King's regiments, who are allowed to work at leisure hours for private individuals. Some of these men put out of hand workmanship not inferior to the second-rate English gunsmiths. They likewise share the same advantages with the saddlers, in the occasional command of the public establishments.

The beautiful manufactory of *carpets* in the neighbourhood of Mirzapoor, which nearly equals that of Axminster in England, might, by the application of capital and machinery, be brought to still greater perfection, and find a ready sale throughout the upper provinces, as well as afford some speculation for home exportation.

*Woollen goods.*—By the same aids the fine wool produced in the Himalaya mountains, might be manufactured both for European and Native use. The only native woollen fabrics that I have met with in India (shawl goods of course excepted) are the coarse blankets which are worn by the very lowest classes, and a finer kind, something like the Welsh whittles, made in the neighbourhood of the Bikaneer desert, called *louees*.

The art of *dyeing* is susceptible of great improvement in this country, which might be supplied by the superiority of English skill and chemical knowledge. Few of the very brilliant colours

of which the natives are so fond, will stand washing, and this is one of the reasons why our cotton prints have found so ready a sale. The raw material of many of the finest dyes is produced in India, or in countries in its immediate neighbourhood.

*Pottery*.—The coarse earthenware of the country might also afford scope for European industry. There is a manufacture at Lucknow, of which I have seen ornamental specimens, of very good taste and execution; and the stone-ware, which is used for the Futtehghur soda-water bottles, might easily be turned to account for all common household and culinary purposes.

An establishment for *millinery*, and other articles required by ladies, would be likely to succeed, on a moderate scale, at some of the larger stations in Upper India, Meerut, Cawnpore and Agra. A respectable English or East Indian family might be sure to find an opening, provided they were well recommended, and sufficiently skilful to compete with the Calcutta artisans. They must, however, be content to occupy the same station, and aim at no higher profits than a provincial establishment of the same kind in England.

An Englishman, who would unite in his own person the several occupations of grazier, butcher, poulterer, and dairyman, might make himself so generally useful at every large station in the upper provinces, that he would scarcely fail to secure to himself a good livelihood. Most people would be glad to be spared the trouble and annoyance of their farm-yards, could they depend upon a regular and good supply of butchers' meat, poultry, milk, and butter. This is a sort of thing which, out of Calcutta, and its immediate neighbourhood, the natives have very little idea of, and it would be a very great convenience to the European residents. Some attempts in this way have been lately made, and with tolerable success.

The *refining of sugar* and *saltpetre* may be entered into with good prospect of success. At present, a great proportion of the former consumed by the English, is actually brought from China.

The preparation of *medicines* is a subject well worth attention. India yields many valuable drugs which have been known for years to the native practitioners; and many more are the produce

of the Eastern Islands, and the neighbouring countries. Yet so little attention has hitherto been given to the subject, that some of the medicines in common use are actually brought from England, although the raw material of which they are composed is the produce of the East.

With respect to the valuable and costly productions of the country, which have so long excited the admiration of the European world, and still remain unrivalled, the shawls of Cashmere, the jewellery of Delhi, the mosaic-work of Agra, the gold and silver stuffs of Benares, the muslins of Dacca, &c. &c., there is little doubt that English capital and skill would find ample scope in their encouragement for home exportation; but as long as the heavy duties and oppressive imposts which the interest of our manufacturers in England, and the exigencies of Government, have placed on their introduction, remain, the demand for them is not likely to increase; as they are now rendered too expensive to be generally sought for; though their original cost is not greater, and, in some instances, considerably lower, than the imitations which are made of them, in Great Britain and France. The silk and cotton manufactures of the country lie under the same disadvantages\*.

The establishment of *mills for grinding corn* would, probably be a good speculation at all large towns. The moving power may be either wind, water, or animal labour. Flour-mills worked by bullocks are known in the Punjab; and I believe a wind-mill for the same purpose has been erected at Nusserabad, and that it yields a good return†.

\* The fact that cotton has been purchased in India, carried home, manufactured into cloth, and then brought to this country to be sold with a profit, at a lower rate than the produce of the country, has often been quoted as a splendid instance of the triumph of English skill. It is a much stronger instance of English tyranny, and how India has been impoverished by the most vexatious system of customs and duties, imposed for the avowed object of favouring the mother-country. Even now, the native cotton manufacture is

cheapest in the end, by its more durable quality; and when the Government shall, by its acts, prove its title to the epithet of enlightened, a very different order of things will be manifest.

† One difficulty mechanics and artisans in India would have to contend with is, the silly prejudice, so common among the English population, of despising what is of country production, and preferring what is European; very often without, in the slightest degree, exercising their judgment in ascertaining whether the latter be intrinsic-

Other points may be found to which attention may be turned, and new discoveries made for the employment of English skill and capital. It should also be borne in mind, that certain limits are set by Nature to the productions of most countries; that some articles can never be manufactured at home so cheaply as they can be imported. Climate and other causes will account for this. With respect to the woollen goods, it is doubtful how far the manufacture could be profitable. We might improve the coarser sorts with a profit, but the finer descriptions would, probably, not be able to compete with the English. Very fine wool is, however, to be procured in parts of the Himalaya mountains.

On the whole there appears, at present, to be but a limited field for the exertion and capital of British speculators in the department of mechanics and manufactures. A hundred Englishmen would, probably, supply the wants of the whole Bengal presidency; and Calcutta could surely spare the greater part of the number, who would possess infinite advantages over new comers from England, from their superior acquaintance with the language and customs of the country; its local advantages or disadvantages; and their commercial connexions already established. One point must be carefully borne in mind by those who are disposed to engage in any of the speculations here suggested; that they must relinquish the grand ideas which have hitherto influenced the habits and conduct of the English tradesmen in India generally: and the tendency to imagine themselves *gentlemen*, and so vastly superior to the natives with whom they are connected. They must be content to move in their proper sphere, and recollect the old proverb, "Keep your shop, and your shop will keep you." It is impossible to say to what extent such concerns may be carried hereafter.

<p>cally better. They consequently pay for their folly; inasmuch as numbers of articles are made in India, which, if we chose to take them under their proper name, we might buy at a moderate price, whereas, by calling them European or foreign, we are obliged to pay dear. We can hardly blame the tradesmen for the deception; they</p>	<p>are obliged to have recourse to it by the folly of their customers; and the profit soon reconciles them to it. Thousands of cheroots are made at Chinsurah, and sold at a high price, as Havanna; and hundreds of tubs of Indian sugar-candy are sold as the produce of China.</p>
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The next point is trade, which may be divided into two heads; wholesale and retail. The foreign trade of the country has, hitherto, been confined almost exclusively to Europeans; and it is likely that this state of things may continue for some years to come. In the internal trade, there is not much room for the European merchant, even in the wholesale way, unless where it is connected with manufacture. In mere trading, the natives have one great advantage, in the very moderate style of their personal expenses, which enables them to be content with a lower rate of profit. But when trade is joined to a manufacture, the European has a decided superiority. The trading class, who alone possess capital, do nothing but trade: they would think it degrading to learn to superintend the working part of any manufacture. On the other hand, the manufacturers are so poor, that they can do nothing without advances. These they receive from the former, who have too little enterprise to sanction any new experiment or improvement, should such be suggested by the artisans; and the latter have not the means to make the attempt on their own account. It is here that the European who possesses both capital and practical knowledge has a decided advantage, of which the superiority of the indigo, lac-dye, shell-lac, and some other articles manufactured by Europeans, over those produced by the natives, is abundant proof. The latter will, doubtless, profit by the example in time, but at present the advantage is in favour of the European.

With regard to the retail trade, excepting in the sale of wines, eatables, and other European articles, there is scarcely a chance of success for an Englishman to attempt to compete with the native dealers. The numbers of what are commonly called "Europe-shops" are, probably, as great as there is any room for, although they may, of course, be increased with the enlarged number of European settlers and residents.

As to the people of the labouring class, it would be the height of folly in them to attempt to settle in India. The climate would effectually prevent their working like the natives; while the expenses of their living would be five or six times as great. The natives are easily taught; indeed their quickness in learning

has excited the admiration of those least disposed to do them justice. Look at the handsome carriages built in Calcutta, for instance; and the variety of other articles manufactured in different parts of the country, nominally by Englishmen. The work is done entirely by natives: the superintendence and capital required only, are English.

But the chief source for profitable employment of English skill and capital remains to be considered. If Government could be induced to lay aside the narrow policy by which it has hitherto been actuated, and to consider its own true interests, as well as those of the people, there can be little doubt that landed property would offer a very extensive field for English settlers. In the districts under the permanent settlement, a landed estate would, even now, yield a very fair interest on the capital sunk in its purchase; and if a more enlightened system should be introduced into other parts of India, and the amount of the Government revenue be declared there permanent, the profit which may ultimately be expected would be considerably greater, inasmuch as, for the same extent of land, the original purchase-money would be less.

Great hopes are entertained from the present settlement which is now forming for a period of twenty years. It is to be feared that these will prove fallacious: the confidence of the people in the professions of Government and its officers is almost annihilated. The resumption or rather *confiscation* regulations; those for the appointment of the two special commissions; and some other acts, have been quite enough to produce this impression; and the present mode of proceeding is not very well calculated to lessen it. The collectors who are now making the settlements, in order to induce the people to agree to a high rent, not only promise them that the present engagement will be for the above-mentioned period, but hold out strong hopes that it will be declared perpetual; yet even the first is more than they have authority for doing. It cannot be fixed until it has received the sanction of the Board of Revenue, which it can hardly be expected will be given in all cases; and what will the people think, when an order is received, two or three years afterwards, to



reverse the present settlement and form a new one\*? They will say it is only of a piece with what they have before experienced. I could testify, from my own knowledge, several instances where a landholder had been induced to rent the lands of a deserted village, at a mere nominal rent, and to expend large sums in bringing it into cultivation on the promise of the collector, that, although it was out of his power to grant him a longer lease than for the period of the existing settlement, he should be allowed, in the next, to hold the lands at the same rent. Yet, before that time, the collector was removed to another station; and his successor, disregarding the recorded promise, when the time came, imposed a very heavy increased rent on the lands; and, in some instances, actually formed the settlement with the cultivators whom he found in the village; altogether setting aside the person who had been at so much expense in bringing it into cultivation, and who had scarcely reaped any return for his capital! The consequence was, in some cases, that, in two or three years, the villages were again deserted; some were immediately. It is impossible but that there must be many other similar examples beyond the sphere of observation of any single individual.

There is one subject which seems to call for a few observations in this place:—the often-repeated assertion, that Government is the *zemindar* of the soil—Government the proprietor of all the land in India! Have those who make this assertion ever considered what they were saying? By what right, by what tenure, can Government be invested with the possession? If we choose to place ourselves on a level with barbarian conquerors, we may then arrogate such a right, and advance such a pretension. William the Conqueror certainly laid claim to the lands of England;

\* There may seem a sort of contradiction here. A settlement is ordered to be made for a certain time, but it unfortunately does not begin from the date of the order. On the receipt of this, each village is to be assessed by the collector, and a report sent in; when this is confirmed by the Board, then the matter is settled. Sometimes

four or five years have elapsed before the collector's report is received, and a considerable time longer before the confirmation of the Board is given. Since 1829, there is an extra delay, caused by the intervention of the commissioner between the Board and the collector.

and, having the strong hand of power to support him, enforced it, and parcelled out a great part in grants to his favourites and followers; but, will any one assert that his usurpation and his acts had the slightest foundation in justice? As well might a foreign conqueror of England in the present day assert that Government was the proprietor of the soil; in proof of which he might quote the existence of the land-tax; and, upon the strength of this, might increase that tax to such a pitch, that landlords and farmers were equally reduced to the miserable state to which the agricultural population in India have been brought. Even those estates on which the land-tax has been redeemed, might be taxed to the same extent as the others, on the same principles, and by similar modes of proceeding, by which we are now confiscating all the rent-free lands in India. Be the people denominated ryots, zemindars, or any other name, the soil of India is as much *private property* as that of England. Instead of taking a rational view of the matter, founded on common sense and justice, those who have investigated it have been hunting through old musty Sanscrit books, filled with contradictory dogmas, relative to a state of society which may possibly have existed two thousand years ago, and many of them, the invention of ignorant and stupid pundits\*, of a nature so absurd, that they cannot be supposed to refer to customs which had any origin but in their own imaginations. What better proof of ownership can be required than hereditary possession, for several successive generations? accompanied by the right to dispose of the land by sale, mortgage, or any other mode? Virtually, it is true, the British government has made itself proprietor of the land; it is by this authority taxed to the utmost, and sold by public auction if the tax be not paid; but the whole of the business has been one tissue of infamous injustice from beginning to end.

The wisdom of Lord Cornwallis's measure has often been called in question; and a great deal of pseudo-philanthropy has been displayed on the occasion. It is observed, that no proper provision was made to secure the rights of the immediate cultivators, and that this class are not better off in Bengal and Behar,

\* Hindu priests.

than in those provinces to which a permanent settlement has not been extended. It is rather difficult to understand what these rights are, or how what they are usually supposed to be can exist separated from a proprietary right in the land. Here, then, let me refer to an observation in No. XVIII. of these papers, as follows:—"If the right of the tenant be to cultivate the land at a fixed rate, while the Government demand from the owner is unlimited, the land must ultimately come into the hands of Government," &c. &c. In corroboration of this view, I have much pleasure in quoting the following paragraph of a letter from Messrs. Fane and Tilghman to the Secretary of Government, dated 25th May, 1831:—

"In some of the large zemindaree estates, there are hereditary ryots in villages, who seem to be connected with the land and the parties to whom they pay rent, as individuals in patteedaree estates, where there was no superior zemindar, were with the Government before the enactment of the British Regulations; but we are satisfied a single instance would not be found, from the western extremity of Suharunpoor to the eastern boundary of the Goruckpoor district, including, perhaps, the dominions of the King of Oudh, and not omitting the reserved Delhi territory, of a zemindaree, jagheerdaree, mokurree\*, or of any other description of estate, held by a superior, in which the rent-payers, of whatever name or character, claim a right to hold land at fixed money-rates in perpetuity, or rates limited in the aggregate for a village, and fixed in detail on the Bach-h-burar principle. The rule of Buttye† is, we believe, the only rule of limitation known, and that ought, of course, in every case, to be ascertained and recorded."

But on the state of the cultivators in Bengal; let us grant, that their condition is nowise better than that of those where the rack-rent system exists. This by no means detracts from the wisdom of Lord Cornwallis's measure. While the customs of the country remain unchanged, nothing that any Government can do, can possibly prevent the ryots from being in a state of considerable poverty. The universal system of early marriages must always have the effect, that the population will be constantly

\* Assessable—rent-free—held at a low rent.

† Buttye,—where the owner and cultivator divide the produce in kind.

pressing on the means of subsistence. The same result is produced here, and by the same cause, as has of late taken place in England. The numbers of the working classes have increased in a greater proportion than that of those who possess skill and capital, or than the capital itself; so that the former are obliged to content themselves with a less return for their labour than they could once realize\*. With respect to India, the principle of *Buttye* has been proposed (*i. e.*, to award a certain and fixed proportion of the produce of the land respectively to the proprietor and cultivator). The policy of this measure is very questionable; and it would most probably be productive of evil rather than good. Supposing an arrangement in Bengal to be made to divide the produce in this way; that the amount of the labouring population is just enough to cultivate the lands; and that each receives sufficient to support himself and family with all the comforts which usually fall to the lot of people in that station of life. If an improved state of agriculture or manufactures be introduced, so as to keep pace with the increase of the population, they will be as well off as before; but if the latter increase faster than the former, every generation must become poorer and poorer. The share of produce they receive may be the same, but there are more people to be supported by it. No earthly power can prevent this. Were Government to annihilate the present proprietors, and divide the lands among the cultivators, it would only arrest the evil for a few years, or a generation or two. There are but three ways to remedy it. First, The introduction of skill and capital, so as to increase the productions of the country. Second, The education of the people, so as to induce them to reflect, and impose some restraints on themselves; and, thirdly, a more enlightened system of government.

It is not the permanent settlement that has caused the poverty of the cultivators, which is, however, by no means equal to that of the rack-rented provinces. On the contrary, the existence of large landed proprietors in different parts of Bengal and Behar

\* It is now generally acknowledged, that this is the chief cause of the distress among the lower classes in England; and that it has been mainly brought about by the abuse of the poor laws, which are too often left to very ignorant men to execute,

has its due effect in alleviating the condition of the labouring classes. Most of them, doubtless, endeavour to make the most of their land, and some are occasionally guilty of acts of oppression and extortion, like other landlords in other countries; but the general aspect of those provinces is a sufficient answer to the declaimers against that measure:—"Let those who see evil in it, compare the condition of the beautiful provinces now under its influence, either as respects cultivation, or the comfort of the inhabitants generally, with the state of those parts of the British territories where the much-lauded native system of temporary settlements (and therefore real *Government* property in land,) still prevails; and then let them pronounce whether the great creator of *private* property in land in India deserves to be commemorated by the statue now standing in the town-hall of Calcutta, or to be branded as the author of a measure of pure and unmixed evil."—(See *letter ut supra*, paragraph 24.)

Another evil which would result from the buttye principle, is its great tendency to prevent improvement. If the proprietor and his cultivators should agree together, and carry on business for their respective benefits, much may be done; but there is a great check to any attempts on the part of the landlord to improve his land, unless he is joined by the tenants. For instance, suppose a man have an estate which annually produces 1000 bushels of corn; of which two-thirds are fixed as his share, and one-third that of the cultivators; suppose he expend a sum of money in manuring, draining, or otherwise improving the land, so as to make it yield 1200 bushels; and that the whole has been done by hired labourers, without any assistance from those who are supposed to possess the right of cultivation: are the latter to come forward and still demand the third share of the produce? Is it likely that any agricultural improvements will be undertaken while such customs exist?

So much for the policy of these principles. As to their justice, they have been introduced solely by the misapprehension of the English on Indian affairs, which rendered them incapable of understanding customs which were so new to them.

It has been pronounced by very high authority, that a right of cultivation, on a fixed money rent, never existed over the whole of the upper and part of the central provinces; and I am equally certain that, among the natives, never did such a custom exist, or *practice*, by which a cultivator under a superior could claim even a *fixed proportion* of the produce. The *buttye*,—the division of the produce,—was common enough. Many circumstances conspired to make it usual for the landlord to take his rents in kind; but the proportion allotted to each varied in different districts, and according to times and circumstances; and the proprietor was *bonâ fide* the *master* of the land.

The real cause of all this pretended philanthropy for the cultivators of the permanent-settlement provinces, is the longing eye which is cast on the wealthy landed proprietors which this beneficial measure has there created. We long to plunder them, and carry the proceeds to the Government treasury; and the loss which Government sustains is bewailed by *first-rate collectors*. Argument is useless with men of such circumscribed and perverted vision; or I might remind them of the infinitely less expense at which the revenue is collected; of the great assistance derived to the police by the existence of these landed proprietors\*; of the great alleviation which they afford, in the event of any public calamity, such as flood, famine, or general sickness; and, though last not least, endeavour to impress on them the unavoidable truth, that this wealth, which is now so eagerly coveted, would never have grown up, had the rack-renting system been still continued. The state of Bengal and Behar previous to the creation of private property in land (or rather its acknowledgment) by Lord Cornwallis, was one of misery and wretchedness beyond anything which now exists in the upper provinces. Oppressions, both by English and natives, were then practised with greater impunity than in the present day; for the people, particularly in Bengal, are a far more timid race, and less

\* During the Cole campaign, several hundred horsemen were raised and sent at the call of Government to assist our troops, by different large land- | holders in Behar. Where could anything like this be done in the rack-rented provinces?

inclined to resist. As to the oppressions and extortions of the great landholders, concerning which *crack collectors* and *first-rate secretaries* descant so eloquently, the true remedy will be found, not in plundering the rich, but in establishing a system which would render justice really attainable by the poor.

The establishment of some property in land is imperatively demanded in those provinces which have been impoverished by the rack-rent system; and some hopes are awakened that such a measure is in contemplation by the Government, from the preliminary steps which have at length been taken in the mode of survey appointed within the last few months. The only plan which promised any prospect of success has been adopted; and in several districts, a surveyor in conjunction with a revenue-officer has been employed to form maps of each estate, and record the actual occupancy of each individual; after which follows the assessment of the revenue by the collector. The remaining progressive steps are these:—First, to enact that nothing but a decree of a court of justice shall disturb the right of each person to the portion of land which is now recorded to be in his actual possession. Second, to declare that, with this reservation, each occupier is to be considered the *bonâ fide* owner of the land; and to lay aside all visionary schemes of *buttye*, (or a fixed proportion of the produce of the land to those who have been supposed entitled to a right of cultivation on such a tenure,) which will leave the proprietor at liberty to employ skill and capital in improving the land, giving him at the same time some inducement to do so;—and thirdly, the Board of Revenue must not, as was formerly too often the case, allow several years to elapse before they confirm the settlements which are now forming, but must give a speedy decision, if they wish to afford full scope to the prospect of improvement, which the long period of twenty-one years now fixed is expected to produce. With regard to the ryots, or actual cultivators, the best mode of securing their interests, will be to endeavour to extend the custom generally, (I may say *introduce* it, in many districts,) of drawing out regular leases and counterparts between them and the proprietors. Here

we must not be in too great a hurry ; and above all things avoid the mistake, which has too often occurred in British legislation, of punishing both parties, which of course renders each unwilling to bring the omission to notice. A moderate measure will, in time, succeed. The best mode would probably be, to enact that, in any dispute for rent, on complaint for exacting more than had been stipulated, which may be preferred before the constituted authority, if it should appear that a regular lease and counterpart had not been drawn out, the *landlord* should be subject to a fine, according to the circumstances of the case. To dismiss his suit, or to adopt any similar violent measure, will only be a means of producing forged documents, or other expedients for evading the law, and will be productive of more evil than good. The period of the lease, whether for one or more years, or even harvests, should be left entirely to the parties themselves to fix.

The grand measure which ought to follow, should be to declare the settlement permanent. The almost immediate reduction which this would enable Government to effect in the expense of collecting the revenue, would afford a large fund to provide an additional number of officers to be employed in the administration of justice ; and this, united with moderate and equable establishment of customs which shall encourage commerce and manufactures, will speedily tend to raise India from the degraded and impoverished situation in which she has so long remained.

But if the country is destined to continue in its present state, there will, indeed, be little encouragement for the industry, capital, or speculation of English settlers. They may certainly purchase land in Bengal Proper and Behar, and live upon the rent ; but with regard to all new comers, the capital necessary for this would, as I have before remarked, turn to much more profitable account in Canada, America, or Australia. The attempt to settle in the rack-rented provinces, conducted as their affairs now are, would only be to induce certain ruin. But setting aside the great measure of permanent settlement, if the other suggestions above made should be adopted, the long lease of twenty years would afford considerable field for British skill and enterprise,



provided those who entered into the speculations possessed the qualifications alluded to in the beginning of this paper as essential requisites; particularly a competent knowledge of the language, customs, and character of the people. Without this, the attempt would be absurd; and as some time would unavoidably elapse before this can be acquired, the new emigrants should, on their first arrival, make it their business to study these important preliminaries; or, in the mean time, associate themselves with some of the numerous indigo-planters, or their assistants, who have been rendered by the late mercantile failures almost destitute; and who possess the requisite information, but have neither capital, nor the means of raising it.

With this proviso, there would be a fair prospect of success; and here an Englishman would have considerable advantages over the natives of the country. There are several reasons which will prevent the latter from attempting any improvement for many years to come. In the first place, their distrust of the British government is so great, that, even were the settlement declared permanent, it would be long before they would give any credit to the assurance, that the demand would not be hereafter raised. At present they consider that, were the capabilities of the land increased, it would be of no advantage to them, but would only make it the object of greater extortion on the part of Government; in proof of which I may again advert to the fact I once before mentioned, that in the upper provinces lands have, of late years, been frequently rented to English indigo-planters, under the express stipulation, that no wells should be sunk, nor anything done to cause a permanent improvement. Not until several years had elapsed, and they perceived that the collector refrained from measuring the lands, and searching into its capabilities, would they believe that they were now to reap the full benefit of any extra expense and exertion. In the next place, the universal poverty of the agricultural class is so great, that, even if so inclined, it is out of their power to attempt any improvement. They have but a bare subsistence as it is, and they dread any innovation, from the fear, in the event of its failure, of being

deprived of the small means of support which they now possess. Besides, their ideas of improvement are very limited; they scarcely extend beyond the introduction of irrigation into land which was formerly cultivated dry. Each small proprietor is content with following the customs of his forefathers; the same rude implements of husbandry, the same inferior race of cattle, and the same practices, are still in operation, which have existed unchanged for centuries. As to any new experiments of general manuring, draining, difference in the rotation of crops, introducing new grains or vegetables, or new sorts of those already known, any attention to their breed of cattle, any adoption of a better and more combined system, by which a smaller number of people could raise the same or a larger proportion of produce,—all these are out of the question. It is not so much that they are prejudiced and wedded to old customs, although this feeling has more or less effect in every country, but they have never given their attention to the subject; and, were they ever so anxious to improve their estates, their poverty, and the minute subdivision of land, would prevent the possibility of any such attempt. When, however, they enjoy the prospect of reaping the benefit of additional labour and outlay, and when they shall see the example shown by a neighbour, and witness the advantages he derives from it, they will not be slow to follow his steps.

The case is different with an Englishman. He will feel assured that, after a public declaration of a permanent settlement, or of a lease at a fixed rent for a long period, Government dare not be guilty of a breach of contract; consequently, all he has to do is, to calculate the price of the land, the expense required for improvements, and the probable profits which may be anticipated, before he enters into the speculation. The present time is rather favourable for the purchase of land. Few estates are now sold for demands of revenue, but considerable landed property is now in several districts sold, in satisfaction of decrees of courts. Since the introduction of a new system, the improvement which has arisen in the operation of the civil courts, (small as it is, compared with what is still required,) has induced many to prefer new suits,

and bring old decrees to be executed, which the hopelessness of getting anything done deterred them from doing before. The poverty of the people has, in the mean time, so increased, that numbers who, a few years ago, could, if they pleased, have paid down the sum demanded with the greatest ease, have neither means nor credit to enable them to do so now, and whatever property they possess is brought to the hammer. The same cause—poverty—induces many to sell or mortgage their lands by private bargain, either to pay their debts, or enable them to incur the expense of a marriage, their improvidence preventing them from thinking for the future.

It will here, perhaps, be inquired, If the Government assessment is so high, that even the people of the country can with difficulty satisfy it, and realize a bare subsistence, how is it that any prospects can exist for an English settler, whose habits of living are so much more expensive than those of a native? In reply, I must here recapitulate several remarks which have been made in various numbers of these papers.

First. The Government demand has been raised in every succeeding settlement, since we obtained possession of the upper provinces.

Second. For a considerable time the capabilities of the country were buoyed up by the artificial stimulus produced by the mode in which business was transacted by the great houses of agency, and the merchants and planters in the interior; and by the large advances of money made by these to native traders and cultivators, advances which, it now appears, almost were all made from borrowed capital.

Thirdly. All this time the impoverishment of the country was silently and gradually proceeding. The ruin of nearly all the rich landed proprietors, the decrease of trade and manufactures, by the oppressive system of customs and internal duties imposed by the British government, and the constant drain of wealth caused by the exportation of the fortunes acquired by individuals, and of money by the Government, are the chief causes to which it must be attributed. The evil was checked and

partly concealed by the above-mentioned artificial state of mercantile affairs, but now that the machinery which supported this has given way, it bursts upon our view with redoubled force.

Fourthly. The great want of confidence which exists among the people in our Government, and which it will require a considerable time to remove. Among the landed proprietors, so far from wishing to improve the land, the object with most is rather to deteriorate their estates.

In such circumstances, there cannot be much prospect for any increase in the Government revenue. Intrinsically, it is probable that the amount, as compared with the extent of land, and its productive powers, is not high. Had the Government of India been totally independent of England, and its administration conducted by permanent residents in the country, so as to have spent its revenue within itself, had the wealthy landholders been allowed to remain, and had a fair and liberal system of duties on commerce and manufactures been maintained, so as not to sacrifice the interests of India for that of any other country, the present revenue might easily be paid, at the same time that the people would exhibit a very considerable share of prosperity.

But again and again, let it be reiterated, that Government will never be able to realize an increased revenue from the land, sufficient to compensate for the large additional expense of collecting. If its own interests, and those of the people and country, were really understood, the present settlement, now in progress, would be declared perpetual.

But, provided that a more enlightened principle is henceforth to be adopted, it cannot be doubted that considerable promise is afforded for individual skill and capital. Allusion has before been made to the inequalities which exist in the assessments of the different estates whose capabilities are about the same, and an explanation was given of the reason; viz., that those who fix the rate of assessment had often no better ground of ascertaining it than the statements of a writer and measurer, hired for the occasion, at a salary similar to what is paid as wages to menial servants. Should this be doubted, I can only repeat that if

inquiry were made, the truth of it would appear. The people are but too well aware of it, for they feel its effects. The inequality is, indeed, very great; and, although the collectors cannot find it out, the new settlers would contrive to do so, and would, of course, bear it in mind, in their selection of lands for purchase.

I have a memorandum of several villages, their rent, and produce, for which I am indebted to a friend in the interior, who has bestowed great attention on this subject. While some with difficulty escape being sold by auction, others are in very comfortable circumstances. I will give one instance, which perhaps is rather an extreme case. The revenue demanded from the village is 125 rupees per annum. The produce of the last year, of 1833-4, according to the list of articles and their sale-price, was 753 rupees, besides about 50 rupees worth consumed by the zemindar, of which no account was taken. The crop and prices taken together were average, the former being rather below, the latter higher than usual. The same friend has given me estimates of the result of an improved system of agriculture; and, among others, mentions one estate, which now with difficulty pays 2100 rupees per annum, but which he is convinced might be made to yield a return of full 12,000 rupees. He mentions another, of which the rent is 400 rupees, and the produce of the last year, 2250 rupees; but these are extreme cases.

In this view of the question, I have considered the raising merely of common agricultural produce, and have not taken into account indigo, sugar, cotton, or other valuable exportable articles. In some parts of the country, the planting of trees to be cut down periodically for fire-wood, like copse-plantations in England, would be a very good speculation. Near Khanpoor and Agra, for instance, there are large tracts of ground broken into ravines, which will only yield a small produce of the poorest grains, but which are well-suited to the babool and sisso-trees\*, both of which are of quick growth, give excellent fire-wood, and, if allowed to grow large, become valuable timber.

\* We have no common English names for these trees, and I do not know their botanical names.

Some have imagined that the best field for European settlers would be taking grants of waste lands. I have, however, great doubts of this. The only waste lands where estates of any size could be obtained, are situated in unhealthy parts of the country; and the European would not only suffer himself—for constant and personal exertion would be necessary to ensure any prospect of success—but he would find it difficult to procure native cultivators. Judging by analogy, this drawback would cease as the land was brought under cultivation; but a considerable number of the first settlers would probably soon die. An Englishman, who should purchase an estate adjoining the waste, and first devote three or four years to bringing that into a flourishing state, might then take a large portion of waste, with a fair prospect of improving it.

As to the assertions that the new settlers will supplant the old landholders, and the question whether the people would regard the new comers with a jealous eye, enough has been said of late: a summary recapitulation may not, however, be superfluous in this place. On the first point, as no one can obtain possession of an estate, except by fair purchase, either of a willing seller, or at a public sale, of a defaulter or debtor, we may safely leave the matter to find its own level. If the new settlers cannot procure land, the permission to do so will have done no harm, but a positive good, in taking away a ground of complaint from the European community. If they ill-treat the people, they will speedily feel the effects of such conduct, in injury or even ruin to their speculations: and if they succeed, we shall then have what is now so much wanted—an intelligent middle class between the governors and the governed. On the second point, it need only be repeated, that the people have been so long accustomed to masters of almost every country and faith, that they are indifferent on the subject, and, provided they are well treated, will serve with equal fidelity Christian, Jew, Moosulman, Hindu, Turk, Infidel, or Heretic. Those who know them best, have been of opinion, that it is perfectly in the power of any foreigner to acquire the most unbounded influence over them; and abundance of facts might be quoted in support of such an opinion.

In conclusion, the following hints may be useful to those who are inclined to speculate in India.

In introducing manufactures or machinery into this country, some knowledge and discrimination will be necessary, to know how far they ought to be carried. In England, labour is dear; in India, very cheap, especially mere manual labour. There, in many places, fire or water power is to be obtained at a low rate. Here, it is often expensive, and in some localities difficult, or even impossible, to be procured. The result is that many a machine might answer very well in England, which would be a losing concern in this country. Then, again, when a machine itself is found to answer, the moving power will be different: for this purpose, horses are there found to be cheaper than men. Here, in India, the reverse will sometimes be the case.

In the construction of the machinery, we may sometimes take a lesson from the practices of the natives. Many an Englishman laughs at the rough, dirty-looking production of the native workman, and piques himself upon the superiority of that made under his own superintendence, neatly finished and painted. But what then? It has cost, perhaps, three or four times as much as the native machine, but will not last longer, or perform more work. There are, also, some native contrivances well worthy of adoption, and others which, though intrinsically inferior to European inventions, are yet better adapted to the climate and circumstances of India. Let me not be supposed to undervalue our own inventions, or to insinuate that their introduction into this country will not tend greatly to improvement. Undoubtedly, it will; but, whatever is done with reference to machinery, will require some discretion as to localities, times, and circumstances. "*Babbage on Manufactures*" is a book that should be in the hands of every one who wishes to introduce anything of the kind into India.

However contrary it may be to his English notions, the landholder in India, will find it expedient to take part of his rents in kind. This will be disposed of by feeding his servants and workmen on the spot, to whom he will consequently give a lower rate of wages than is usual among the present English population,

who, for the most part, give board wages. Several causes contribute to the necessity of adopting this custom; the chief of which is, perhaps, the badness of the roads, and the difficulty of transport. In practice, the landlord will find that he receives a larger share with less inconvenience to the tenants, so that both parties are gainers.

The new settlers must also be prepared to meet with a variety of annoyances and difficulties, for which, in the present state of the Government, and country, there is no help but submission. The difficulty, notwithstanding the late improvements, in obtaining justice in civil business; the oppressions of the police and court-officers; the absolute necessity, however revolting to their principles, of giving *douceurs* and fees to secure the good-will of these people; the abominations of the purveyance and forced-labour system; these, and others, must all, for some time at least, be borne with patience. But the press is open; and as the settlers feel their strength, it is hoped that they will compel the Government to put a stop to such disgraceful practices. While they exist, however, it is but justice to remind those who are on the point of risking their all, to settle in India, both of the evil and the good which they must expect to find.

After all that has been said, my observation, at setting out, will, I fear, have been too well proved, that there is little real inducement for Englishmen to come to India. What little field is open for profitable speculation, might be occupied with some prospect of success by the officers of Government, who are inclined to make it their home for life, or by the planters and their assistants who are already settled in the country; with a few tradesmen and mechanics from Calcutta, whose connexions in the country might assist them at starting. Few of the former, however, are likely to relinquish the hope of returning to their native country; and of those who would, as well as the others, few possess the requisite capital for successful speculations. Here, however, an establishment like the Agra Bank, will be of the greatest utility. The friends of some of these individual classes, may be both able and willing to stand security, although they could not advance the money requisite; and as the interest charged by the



Bank will be moderate, if they attend properly to their business, they may ultimately succeed, notwithstanding the disadvantages of beginning on borrowed capital.

Another point must not be forgotten, which will have great influence on the fortunes of all those who are about to venture their lives and properties in this land of the sun—the character and habits which are fitted for the undertaking. To engage in any new enterprise with the hope of success, requires mental vigour, and a spirit of manly determination; but in this country a double portion of energy, perseverance, patience, and diligence, are requisite to contend with the difficulties and disappointments which present themselves, and the apathy and indifference of those around us. Temperance and self-denial are also no less indispensable, to resist the effects of climate; together with cheerfulness of temper, either natural or acquired, to rise above annoyances and mortifications, and enable us to look on the bright side of everything with which we come into contact. Pride, indolence, self-indulgence, discontent, and despondency, will here have no chance. To these fatal enemies to the virtue and happiness of mankind, India has hitherto given but too much encouragement; and to them may be attributed much of the misery which she is now suffering. Her days of ease and luxury are over; and those who, by coming here, now indulge the hope of improving their condition, or who aspire to future eminence, must be content to make their way by the exertions of that bodily and mental industry, to which alone a just reward is due.

*June 20, 1834.*

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## No. XXXVIII.

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### ON THE NECESSITY FOR A COMMERCIAL CODE.

THIS has long been felt by the commercial public, and indeed by the community at large, as one of the defects to which, it is hoped, a remedy will ere long be applied. The want of a systematic law on the subject has been great enough, even when there were only natives to be considered; but if an influx of

European settlers and merchants is to be anticipated, it will be infinitely worse, when we consider the difference of ideas entertained by the two nations on the subject in question.

It has generally been treated of by the English, under three completely distinct and separate heads—bankrupt, insolvent, and debtor and creditor laws;—but there does not appear any reason for so wide a division, except the tendency to patchwork expedients, and deficiency of general and comprehensive views, so characteristic of English legislation. It will here be advisable to give a slight sketch of the two systems. The principle of English law and practice has been, on the whole, to throw impediments in the way of a creditor's recovering his just dues, and to favour the debtor. For a considerable period there was no written law at all to enforce payment of a debt: accordingly, a fiction was introduced of representing the debtor as having committed a trespass of violence, and therefore punishable by the immuring of the person. This fiction having been abolished, the legality of imprisonment for debt was established; indeed, the greatest facility was in one respect, given to arrest the person, since it might be done on the mere oath of any one\* that the debt was due; without any inquiry, or any security being taken that the plaintiff should prove his demand. On the other hand, considerable difficulty was thrown in the way of the officer who was to execute the writ; he must, in the first instance, touch the person of the debtor; and, until he can succeed in this, he is prohibited from breaking into any house.

Another obstacle to recovering a debt is, that it is in the power of the debtor to prevent, by various forms of law, the seizure of his property; so that the rich debtor goes to gaol and lives in luxury, until his creditor is tired of paying his expenses; the unfortunates who either cannot pay, or who require some time to be allowed them to liquidate their debts, those, for instance, who are employed on salaries, or in a profession, are

\* Originally, a person in England, on filing a suit was obliged to give security that he would prove its truth. For years, I believe I might almost say centuries, it has been the practice

to give the security of John Doe and Richard Doe. How lamentable it is that to all their learning, English lawyers could not contrive to add a few grains of common sense.

perhaps irretrievably ruined before they are released by the Insolvent Court; while the swindler who has neither shame nor honesty, lives comfortably in a gaol for a time, pays his fees to the Insolvent Court, and is discharged to recommence his dishonesty and fraud.

The endeavour to discover the origin of any particular law or institution may be instructive, and tend to elucidate truth; and I cannot help supposing that the one in question may be traced to the state of society in England at the time the practice described had its rise. Then, the distinctions between the three chief classes into which the population was divided—the landed noblemen and gentry, including the clergy, the commercial, and the labouring classes,—were as marked as between the separate castes in India. The gradual shades which now connect and blend the whole, so that it is impossible to mark the boundary line, were then unknown; and the upper classes were accustomed to regard the other two as a race of beings of an immeasurably-inferior order to themselves. But the habits of luxury and extravagance in which the former very generally indulged, frequently threw them upon the necessity of applying to the despised mercantile classes to supply their wants by loans. Expediency and self-interest at least, if not justice, would prevent them from seizing by force the sums required; and it was clearly perceived that, to induce the monied men to advance their gold, some law must be enacted for the security of the latter. The ingenuity which is displayed in this proceeding certainly deserves credit; for, while they devised an enactment that apparently gave great power to the debtor over the creditor, it was one that, in the existing state of society, could scarcely ever be executed against themselves. Personal arrest was all they had to fear, and as they never stirred out unaccompanied by a body of retainers, whilst others were lounging about the court-yards, lobbies, and entrances of their houses, the chance of this was but small. To the poorer classes the law was an intolerable hardship, but the interests of *these* were, at the period to which I relate, about as little attended to, as those of the people of India are at this moment by their English lords and masters.

Another point which strikes one is, the great difference in the feelings of the public in England regarding the execution of civil and criminal process. In the event of the former, we see the sympathy of those to whom it is made known almost always given to the *debtor*: nay, bystanders and passengers, who are totally unacquainted with the parties, will often assist him in making his escape, and not unfrequently personally ill-treat the creditor and the officer who accompanies him. In a commercial country like England, where credit must be so largely given, and where, consequently, every facility ought to exist, to enable an honest man to recover his just dues, it is astonishing that such should be the feeling of society, and especially when such very opposite sentiments prevail upon the enforcement of any criminal process. One cause may, perhaps, have some influence,—a natural but erroneous feeling in favour of what is falsely called liberality or generosity, particularly among those who may have benefited by the effects of it, without any risk to themselves. In criminal cases every man's own interest appears immediately to be in danger; and let the cry of "thief" be once raised, if it be but a penny loaf which has been taken, and that, too, by a poor starving wretch, the whole neighbourhood is up in arms to join the hue and cry, and secure the offender; while, in a civil arrest, although the debtor may be the greatest rascal in the whole country, he is almost sure of the sympathy, or even the assistance of spectators.

It is an object of more than mere curiosity to discover the causes of such opposite sentiments, for they certainly prevail in a greater or less degree with the public in general, and among the honest as well as the unprincipled portion of society. I am inclined to think that among the former class the feeling may be partly attributable to this,—that the execution of the criminal process is considered as part of the law of the land enacted for the general benefit and security of all; while the other is regarded more as the indulgence of private malice or revenge.

Grounds are not wanting for such suppositions, which are to be found in the practical operation of the law which a creditor has it in his power to enforce. Till within these few years he

might incarcerate a person for a debt of a few pounds, and keep him in gaol for years. If the officer he employed could contrive to steal his way into the debtor's house, he might seize and carry off the latter to gaol, although the poor man should be in the last stage of disease, and when removal should occasion certain death. Nay, should the unfortunate wretch have expired, the unrelenting creditor was empowered to take away the body, unless his demands were satisfied—yet had any one been accused of the most atrocious crimes, the police officers would not be allowed to proceed to such extremities. It is no wonder, when such proceedings as these are legal, that such antipathy should be called forth against the law of arrest: and that those who enforce it should be subject to such odium. Why should there be such a difference in the civil and criminal mode of administering the law? Why should a man, whose only crime is often but misfortune, be treated with a rigour to which even a highway robber, or a murderer, cannot be subjected? Are such disgraceful proceedings a specimen of the perfection of human wisdom which its admirers would have us believe is one of the attributes of the English law?

The law on the subject among the natives must be resolved into two heads, that of the Hindus and that of the Moosulmans. Among the former the law is, that sons, and even grandsons, are answerable for the debts of their fathers and grandfathers, whether there be assets or not. In practice, the usual way of enforcing the demand was, to confine the debtor, who was expected to find his own means of support, and to ill-treat, or even torture him, until he should pay the amount claimed. Other customs obtained in various parts of the country. In some the creditor established a right, not only over the person of his debtor, but over that of his family, and might sell them all as slaves (which seems to have been the law among the Jews or the Gentiles in the days of the New Testament, from the parable of the unforgiving creditor). In some instances the debtor would voluntarily sell his children, his wife, or even himself, or mortgage them for a time, in satisfaction of the demand against him. By the Moosulman law, heirs are answerable for the debts of

their ancestors, as far as their assets: but in practice the Muhammedan governments in India very often followed the Hindu system of making a son pay his father's debts, whether he had inherited any property or not. The mode of enforcing payment of a debt was, practically, by confining or ill-treating the person. Attachment and sale of property was not commonly resorted to by the natives of either class. It is a strong instance of the power of habit in reconciling us to any customs. The native mode of enforcing a debt would be considered intolerable by us; yet when we substituted for it the practice of selling estates for arrears of revenue, our proceedings were universally complained of as far more oppressive and vexatious than their own.

The laws which have been enacted for the relief of debtors, are the bankrupt and the insolvent laws, the principle of which, respectively, is as follows:—The former relate solely to persons in trade; by these, if a man become bankrupt, provided nothing fraudulent be proved against him, he can obtain his discharge, both personally, and from all liabilities to the debts contained in his schedule. These laws are of some antiquity, the first statute being in 34 of Henry VIII. c. 4. The insolvent laws are of recent date, and apply to persons not in trade. The benefit derived is, freedom from personal arrest, but not from the debts, to satisfy which any property of which the insolvent may afterwards become possessed may be seized.

It is probable that the laws have been administered with too great leniency towards the debtors, and that too much facility has been afforded to dishonest men to defraud their creditors. This objection does not, however, affect the principle, which is founded on common sense and humanity. All that remains is, that some modification in the laws should be introduced, and that it should be applied with proper discrimination.

There does not appear to be any just reason why the bankrupt laws should apply exclusively to men in trade, and why others should be excluded from the benefits they confer. Suppose a person embark his money in a mercantile speculation, in which he has exercised every proper foresight, and had every reasonable

prospect of realizing a profit. The speculation, from some accident or misfortune which could not have been provided against, fails, and the act of bankruptcy, after he has given up all his property, gives him not only immunity from personal arrest, but frees him from all liability on account of his debts hereafter. Suppose, on the other hand, a country gentleman enters largely into an attempt to open a mine, which exists on his own estate, and that this speculation, from an unavoidable cause, also fails, by which he becomes a debtor to various people, why should not the same law be applied in this case? Supposing a person of this description had borrowed considerable sums, and expended them in improvements on his estate, with every rational prospect of being able to repay the loans by the time specified, and that, in consequence of a high flood, the estate were carried away by the river, (by no means an uncommon occurrence in India,) why should he be treated more harshly than if he had been engaged in trade? Many other similar cases might be suggested.

It does not appear very difficult to frame a law, founded on humanity, justice, and good sense, which should include every case in the subject now treated of. The question to be considered is, what is best for society? What will most tend to establish credit, encourage commerce and works of improvement, and punish dishonesty and fraud? The first step will be, to take the punishment of debtors out of the hands of individuals, and thereby leave no room for the indulgence of angry passions and vindictive feelings. As soon as a decree has been pronounced, a summons should be sent to the debtor, calling on him to pay the amount decreed, or to attend the court, to show why some favour should be given to him. Whether a trader or a private individual, his plea should be heard. Whether he should be allowed time to pay by instalments, or be confined, and an execution issued against his property, should be entirely at the discretion of the court, and not of the creditor; according to the circumstances of the case under which the debt was contracted. If he wished to obtain the benefit of the bankrupt or insolvent laws, he should be called upon to file a schedule of his debts and

assets. The court should have the power to investigate these, to appoint a person to wind up his affairs in the mode best calculated to secure the benefit of the creditors, and to grant him a complete indemnity both from personal arrest and from liability from all demands on account of the debts filed, or an indemnity only from personal arrest, leaving him under an obligation to pay the former debts in the event of his hereafter becoming possessed of property, or should at once order his imprisonment, and the sale of every particle of property he possessed, according to the circumstances of the case. In the event of the debtor being sent to gaol, the imprisonment should be inflicted by Government as on one who had committed a crime against society; and the expense of his subsistence should be defrayed by Government, the same as in the case of any other criminal. In the event of his refusing to attend, the court should be empowered to issue an order for his apprehension, *vi et armis*, which should warrant the officers employed to break into his house, and seize him, wherever he may be found. Where fraud could be distinctly proved against an individual (under which head I would include cases in which a person had wantonly contracted debts, which at the time he had no reasonable expectation of being able to pay), the court should be vested with a discretionary power to confine him in the criminal or civil gaol, and even to sentence him to light or hard labour like any other criminal, according to the circumstances of the case, and the rank and situation in life of the debtor. Some of these proposals may at first sight appear harsh; but it is the *abuse*, and not the use of them, which would occasion any hardship; and this must be guarded and watched against, like the abuse of any other legal enactment, by the public, and by the press. The question is, what is most likely to benefit society at large; and if such provisions as those now proposed should be found to prevent frauds and raise credit, they will be a decided benefit to the general public.

Another section of the law should be a provision for any person, whether merchant, trader, or private individual, who has become involved in debt by causes which it was not in his power to prevent, to come forward and petition the court for the benefit



of the insolvent or bankrupt law: his case should be taken into consideration, according to the system above suggested, and the proper orders passed upon it\*.

In the proposal to sentence a debtor to labour, it seems necessary to offer a few remarks. It is only to *fraudulent* debtors that it should be applied; and surely, if common sense, justice, and humanity, are to be the basis of any law, a man who has fraudulently or wantonly caused the ruin of perhaps many families, is as fit an object for punishment as a starving wretch who has stolen a penny loaf. In India such a law is particularly required. A vast number of the debtors are menial servants, and people who live by their daily labour. By the existing law, they cannot be imprisoned more than six months for a debt not exceeding sixty-four rupees; and why should men of this description, who have fraudulently contracted debts, be suffered to live in gaol for a certain time in ease and idleness, who, if they were at large, would be obliged to work daily for their subsistence†?

I have once before alluded to the system on which agriculture is carried on in this country. Instead of large farmers who perform their work by hired labourers, the land is divided into small lots, cultivated each by men who possess their own plough and cattle, and receive advances at every season to enable them to perform their agricultural duties, and who are obliged to work like hired ploughmen in England. The improvidence of the natives of India, particularly of the poorer classes, is one of their strongest characteristics, (as indeed was generally the case with the peasantry of England, before the institution of savings's banks, benefit-clubs, &c.) These men are constantly borrowing sums, which they have no reasonable means of ever repaying, to expend in marriages and feasts, from the vanity of having the credit of giving fine entertainments; and not unfrequently take advances from two or three different individuals, especially from the

\* It would be expedient to declare plainly, what portion of clothes, furniture, and other absolute necessaries should be left to the debtor.

† In a cheap season, many debtors

save money in gaol, and send it to their families: even receiving the least allowance which is fixed by law for a creditor to pay for his debtor's subsistence.

indigo-planters, who are defrauded to an immense extent in this way. As a proof of the good effects likely to arise from such a law as is above proposed, it may be mentioned, that some months since a report was prevalent in the upper provinces that a provision of this nature was about to be enacted, and the consequence that it for some time produced was extraordinary, in the great exertions that were made by the lower orders to pay their debts. The custom first alluded to is, it may be observed, one of the many causes which might be adduced to account for the existence of so much more litigation than, in a given population, would be found in England.

In England, a proposal has lately been agitated to abolish imprisonment for debt. It is to be hoped that the advocates of the measure intend to restrict it to such cases in which the debtor had been involved by misfortune, and not to extend it indiscriminately to all. The fact is, that in England they are now in danger of running from one extreme to the other. There are so many impediments to the seizure of a debtor's property, that mere imprisonment for debt has not been found to answer the end expected; and it is now proposed to substitute the one for the other. A judicious application of both plans, with the exercise of a proper discrimination between dishonesty and misfortune, would doubtless be found the most expedient. I am certain that a complete abolition of imprisonment for debt would, in India, be productive of very great evils. It is the only punishment that exists for those who prefer fraudulent suits as paupers, and slight enough it is, when we consider the annoyances which such men have it in their power to bring on an honest man. Were hard labour added to the confinement, there would not be so many roguish pauper suits filed in our courts.

In India there has, for a considerable time, existed a species of insolvent law, by which a debtor, who fairly gives up all his property, may be released by the court, but not freed from the debts. What is wanted is, a general system of bankrupt and insolvent regulations, by which the court should have the power to make equitable arrangements for the benefit of all the creditors, and give the debtor his release, wholly or partially, as may be

expedient. At present, by the practice of our courts, priority is given to claims, according to the dates of the transactions on which they are founded. Many instances also have occurred, where a merchant, who has fallen into temporary difficulties, would, had a little time been allowed him, have recovered himself, and have satisfied every demand; whereas, by the vindictive or foolish measures of one creditor, he has ultimately not only been ruined himself, but has been the cause of great losses to those with whom he had any dealings. This state of things has been productive of much fraud. Many a man, who, when he found himself becoming involved, would have been glad to have made a just arrangement for the benefit of all his creditors, finding himself pressed by one who was determined to secure his own demand to the injury of all the others, has become desperate, and commenced a system of dishonest transactions, giving bonds and mortgages on his property, many of which are antedated, to particular individuals, which he would never have been driven to, had there been a rational system of law to which he could have had recourse.

In the event of such a system being established, it would be necessary to enact some provisions to frustrate such frauds as I have just alluded to. What these should be, I do not pretend precisely to define; but merely to offer a suggestion or two on the subject. The principle should be, that no bond or mortgage given to one individual, by a person who claims the benefit of the insolvent or bankrupt laws, should be valid, unless he could prove that, at the date of the transaction, he either was, or had reasons to believe himself to be, incapable of satisfying all demands made against him. This, however, involving often the inspection of complicated accounts, it would be tedious and difficult to prove. It might, perhaps, be expedient to enact that no bond given by the debtor for a certain time previous to his application to the court, should be valid, unless it had been recorded in the registry office; and even where it had been given before that date, the court should have a discretion to set it aside, if it plainly appeared that the deeds had been given, either to favour one or more particular creditors; or to a relation or friend,

merely with a view thereafter of defrauding creditors. I have known instances where a native merchant has, from the beginning, drawn up a deed of mortgage, of his whole property, in favour of a relation, solely with this view; and many, where the same course has been adopted by individuals not engaged in trade.

Another practice, by no means uncommon, is, for a person, as soon as a suit is filed against him, to convey his whole property to some friend or relation, with the view of defrauding his creditor when execution should be issued. There, again, I think the court should have the power to set aside such a transaction, where the intention was fairly proved, and sell the property in satisfaction of the decree; or the provision above suggested might be here enacted, that a decree of court should have the precedence of any conveyance executed after the suit had been filed, unless the former were registered. As the records of the court of the district are open to the inspection of any one, it would be easy to ascertain whether any suit was filed against any person, when he wished to obtain a real loan; and in transactions of any amount it would undoubtedly be had recourse to.

The law respecting the agents to banking houses, or other mercantile establishments, also requires revision. Among the native merchants, it is the universal practice, as soon as a firm begins to flourish, to establish not merely a correspondence with firms in other towns, according to the custom more usual in England, but to send agents to reside permanently in those towns, to whom are entrusted considerable capital and property, of which the agents have, for the time being, the entire control. They are sometimes paid by a fixed salary, but most commonly by a per centage on the profits. The temptation to these men to act dishonestly is great; so great, indeed, that the comparative rarity of such an occurrence is a favourable feature in the native character. When the principal discovers any such mal-practices on the part of his agent, his first step is to send another to require from the former agent his accounts, and all property at the time in his hands. This process is one which common sense requires should be as summary as possible; since it is much the

same as a master requiring from his servant the plate or other valuables committed to his care; yet, in some courts, the only process allowed is, that the principal should sue his agent in a regular suit; and although he may oblige the agent to give security, or cause him to be put in confinement if unable to do so, he cannot get possession of his own property till his suit be decided, which, under the old system, might not take place for years. In other courts, again, the principal has been allowed to take possession of his property and account books, from the agent, by summary process, while he is referred to a regular suit to recover any sums which the latter may have embezzled. This is rational enough, and would be satisfactory so far, provided the courts were in an efficient state; but there is imperatively required some enactment of a punishment for any agent who is proved to have embezzled any of his principal's property; which should be carried into effect on the decision of the suit in which this was proved, without requiring any additional prosecution. It is one of the absurdities of the English law, which we should be above imitating, to consider a man who, by breach of trust, appropriates or endangers large sums entrusted to him, less guilty than one who steals an article of not a hundredth part of the value.

In conclusion, I beg to observe that the suggestions in this paper are thrown out as such in the hope that they may draw the attention of Government to the subject. The arrangement of an equitable adjustment of debts, for the benefit of the creditors generally, was perfectly well known to the native merchants in practice, before the establishment of the British administration, by which the whole has been set aside on the strength of certain dicta, which the pundits have chosen to deal out as *Hindoo law*. This and the other points alluded to will, if properly settled, greatly tend to re-establish credit. The principle on which we should proceed is, to punish fraud or crime, but not *misfortune*. Under which head each case should be classed, should be the province of the court, before whom the matter is brought, to decide; and it should not be left to the vindictive feelings of any individual. It is hoped, also, that when Government do find

leisure to give a little attention to the benefit of the people, that in such a subject as this, they will not be content with entrusting the matter to two or three civil or military councillors, but will take advantage of the experience, and request the advice and opinion, of several of the most intelligent merchants, both native and English, by which the establishment of a measure of justice and general benefit would have a greater prospect of being secured.

July 26, 1834.

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No. XXXIX.

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ON THE POLICY OF INTERFERENCE IN THE INTERNAL  
ADMINISTRATION OF THE NATIVE POWERS.

IN every circle of society, whether it be composed of private individuals or political bodies, it would seem expedient that there should be some paramount power, to regulate, in certain points, the behaviour of each member towards its neighbours. However much a system of perfect equality may be vaunted, it does not exist any where, or in any thing, in any part of the globe; nor can it be established as long as the constitution of things, natural, physical, or moral, remains in its present order. All are not gifted with equal mental abilities—all are not equally strong—and until perfection shall be one of the attributes of mankind, the bodily or intellectual faculties with which we are endowed, will often be perverted to selfish purposes. In a rude state of society, the strong will oppress the weak; and where civilization has made some advances, the cunning will defraud the simple. Turn where we will, under whatever form society presents itself, whether it be in a private family, a school, or a community of nations, it is necessary to its existence that there should be some governing power to prevent abuses. Whether this be established by the superior powers of one man, or by the suffrages of the people, the necessity remains. This is equally requisite among

nations as among individuals, the paramount power varying according to circumstances. In some parts of the world it is formed by a confederacy of states, who agree to send envoys, to assemble together, and concert such measures as shall be deemed conducive to the general welfare of the whole. This is the case in North America, where the respective states are in reality so many independent nations, among whom the Supreme Government is only allowed to arrange matters of common interest; and since the downfall of Napoleon, the plan has been strongly acted upon in Europe. In other parts, one nation has become so much more powerful than those by which she is surrounded, that she claims the right of general superintendence over the affairs of her neighbours, to which the inability of resistance compels the other to submit. As to the right of interference, it is of very small importance to discuss this point. Right or wrong, the maxim that "might makes right," is the only one that has hitherto been ever practically adopted in the transactions between nations: and until higher and better principles have a more powerful influence than there appears any probability of, in our times at least, this state of affairs will remain in force.\*

In India we claim to be the paramount power, and to exercise the authority which is usually conceived to be attached to it. The maxim alluded to is the only possible plea on which we can found such a claim; for no one who has the least acquaintance with the feelings of the people, either of our own territories, or of the neighbouring states, can for a moment suppose that they would willingly submit to our assumption of such authority. Whatever may have been the notions formerly prevalent, late discussions have tended to bring to light the truth; and however unpalatable to our self-love such a conclusion may be, we have been compelled to own that we hold our own possessions not by the good-will or affections of the people, but by an overwhelming military force, which renders resistance hopeless.

\* It is said that Frederick of Prussia observed, "If I possessed the millions that a war would cost, I would not give half a crown to buy a pre-  
tence." Many a sovereign has acted on the same principle, but he is the only one, I believe, who was bold enough to avow it.

There are certainly some instances in which our interference has been solicited to gain some particular point; and the native powers who have made the request have even agreed to give up a portion of territory, or make other sacrifices, to gain the object in view. Their passions are excited at the moment, and they are too shortsighted to perceive the result which it entails on them; but when they do see this clearly, they would make greater sacrifices to get out of the difficulties in which they afterwards find themselves entangled. Here, the strongest power will be paramount. Should Runjeet Sing ever become more powerful than we are, *he* would assert the prerogative, and we should be obliged to submit. At present, however, we are undoubtedly to be considered the paramount power in India. I cannot help here alluding to the feelings which seem to prevail in our view of the conduct of Russia towards Turkey and Persia. The ambitious projects and insidious proceedings of the former power form a theme for eloquent declamation among the English. It is strange that we should be so very sensible to the faults of others, and so blind to our own. The game which Russia has, for a series of years, been playing towards Turkey, is a precise counterpart of that which we have so long pursued in India.

This being the case, the question is, What use are we to make of the authority with which our good or evil genius has invested us, for the benefit or disadvantage of the country which has become subject to our control; and for the exaltation or depression of our own character as a nation in the eyes of the existing generation, and of posterity? This is to be resolved into three heads.

First. How are we to ascertain what is wrong in the conduct of the native powers?

Second. To what extent will it be expedient to interfere in their internal concerns; and how far will it promote the welfare of the people of those states?

Thirdly. What are our pretensions to erect ourselves into judges of the proceedings of the native governments?

On the first point, it is to be observed, that in the native states there are no parliaments, or assemblies of chiefs, or that they



exist to a very limited extent;\* no press, which might give us information of what is going on; nor any European population, from whom the requisite intelligence might be derived. All that our Government can know of the internal proceedings of the native powers is to be obtained from the communications of the political residents or agents. Were these officers universally men of the highest integrity, fully acquainted with the vernacular languages of the people, as well as that of business, and who maintained free intercourse with all classes, considerable reliance might be placed on reports which they forwarded to Government. But this is not the case. The political functionaries are for the most part military men—the exceptions in favour of the civilians are few: and it is well known that their selection is made almost entirely by interest, and that no one test or qualification is adopted, not even the very obvious one of a knowledge of the native language, to ascertain whether they are likely to be qualified to fulfil the important duties which they are called upon to perform. Some are employed in difficult negotiations in a language of which they are utterly ignorant; others are sent to exercise great authority in parts of the country, where the people differ as much from those with whom they have principally had any intercourse, as the Neapolitans do from the Scotch Highlanders. Most have their own peculiar passions, prepossessions, feelings, and prejudices; and these act, and are acted upon, by the circumstances in which they may be placed, and by the favourites who acquire their confidence at the court where they may reside. On the score of ability, though some splendid exceptions may be quoted, mediocrity is, on the whole, the most that can be hoped for, while the above criterion is the only road to their employment; and as to *integrity*, though it is with regret that I would appear to attack any particular body of men, yet truth obliges me to express my belief, that, if a proper enquiry were made, it would be found at a lower ebb, in proportion to their number, than in any other class of Government servants; the obvious reasons being the great temptations to

\* Among the Rajpootana and Seick States, an assembly of chiefs occasionally meets to arrange matters of importance.

which they are exposed, and the comparatively small check and control to which they are subject, together with the undefined nature of their powers. Then, again, how are they to acquire correct information respecting the transactions of the native powers? In most of the residencies it is considered not etiquette to take notice of, or to make enquiries into any subject which is not brought officially before them: consequently they know nothing but what the prince or his minister choose, or what they can collect in a clandestine way from one or two favourites or menials, who have their ear. But as the degree of familiarity which exists between these people and the political resident is perfectly well understood, what reliance can be placed in statements derived from such a source, which will be tinged by the personal feelings of these people, or dictated by the bribes which they have received? Consider the question in the light of European politics. Would the British Government in London, on the reports of its diplomatic agents at Madrid, Lisbon, or Brussels, deem itself qualified to dictate on questions relating to the internal government of Spain, Portugal, or Belgium?

This brings me to the second head, *i. e.* to what extent interference will be expedient in their internal concerns; and how far it will promote the welfare of the people of those states?

Is the British Government to take up the cause of every dissatisfied man who may prefer a complaint to the political resident? Selected and situated as these officers are, can the reports which they would furnish be sufficiently relied on? Yet Government has no other source of information. There can be little question that our interference, conducted as it has hitherto been, has been productive of infinitely more evil than good; for it has generally been made use of to support one party in the open plunder and oppression of the country and the people. Much might be said in detail to support this proposition; and some instances shall be given in illustration. In the negotiations with the Nizam in 1793 and 94, he was induced to disband a portion of his own troops, and to accept two battalions of British, under the engagement of defending his country; yet in 1795, when the Mahrattas attacked the Nizam, the British regiments were not allowed to

assist him. We are ready enough to exclaim against a native power for clandestinely assisting another, with whom we were at war; yet the practice is not unknown to our own rulers. In 1821, it was an object with the British-Indian government to prevent the Burmese from occupying Assam, and permission was given to a Mr. Bruce to enter the service of two disaffected chiefs successively, Poorundur Suig, and Rajah Chundur Kant, and to supply them with arms and ammunition, in the hopes of effecting the end desired. See Historical Review of the Political Relations between the British Government in India, and the empire of Ava; compiled by Mr. G. T. Bayfield, and revised by Lieut.-Colonel Burney, resident at the court of Ava.

I must be allowed again to allude to the misgovernment of Oude, as declamation is still to be heard on the subject. It is worth while to examine into the state of our relations with that power; and we need not take a more distant retrospect than the arrangement made by Lord Cornwallis on his first appointment as Governor-General, viz. that the Government of the country (Oude) should be divided into two parts; of which the one, namely, the business of defence, and all transactions with foreign states, should belong to the Company; and the other, namely, the internal administration, including the collection of the revenue, the coercion of the people, and the distribution of justice, should, without interference or control, belong to the Nuwab.

The misfortunes of Oude may be said to have commenced from that time; previous to which, we have Lord Cornwallis's own testimony that this country was in a most flourishing condition, and that this declined from the moment of direct interference by the English. This is expressly declared by the Court of Directors, who, in reply to Lord Cornwallis's intimations to that effect, observed, "That the vices of the native governments were not the only cause of this desolation; that for a great part of it the vices of their own administration were justly accountable, under a system," they say, "defective in almost every part of it; and the abuses which arose out of that system, the present unfortunate state of the country, may, in our opinion, be fairly attributed to

a combination of causes. Among these is a claim which is now very wisely relinquished, a right of pre-emptions, and of exemptions from duties in the province of Oude, made and exercised by contractors employed in providing the investment, and which, in the opinion of Lord Cornwallis, has essentially contributed to its ruin. The immense drain of specie from that country of late years, amounting, within a few years, to the enormous sum of two crores and thirty-nine lacs of rupees,\* exclusive of what may have been sent down to Calcutta to answer the bills drawn for the payment of the troops, and on private accounts, stands foremost, in our opinion, among the causes that have operated so much to its prejudice." †

The Nuwab of Lucknow wrote to the Governor-General in 1789, urging, as apologies, "that whilst he was not certain of the extent of our demands upon him, he had no real interest in being economical in his expenses; and that while we interfered in the internal management of his affairs, his own authority, and that of his ministers, were despised by his own subjects."

But notwithstanding the demands of the English were so exorbitant as to induce the Nuwab to pen the letter first alluded to, a fresh attempt was made to impose additional burdens on him. Instead of the single brigade which Hastings had pronounced sufficient, even the two brigades, for which Lord Cornwallis made provision in the subsidy of fifty lacs, ‡ were now exceeded. In their dispatch of the 22d of April 1796, the directors commanded the two regiments of native cavalry serving under the presidency of Bengal, to be augmented to four; and in order to relieve the Company from a considerable part of the expense, they directed that every possible effort should be made to induce the Vizier§ to disband his own useless cavalry, and to apply a part of the sums expended in their support to defraying a part of the charges which the Company incurred by the proposed augmentation. With this proposition, the Vizier

\* Two million and three hundred and ninety thousand pounds sterling.

† For these, and other statements on this head see Mill, book 6, chap. 7, and following.

‡ Five hundred thousand pounds.

§ Another name for the Nuwab of Lucknow.

at first would by no means comply. And in March 1797, the Governor-General paid a visit to Lucknow, for the two avowed objects, as he himself expressed it, of inducing the Vizier to establish a reform in his administration, and to pay part of the new cavalry establishment, which he had already peremptorily refused. The influence of the British ruler was not entirely without success: an agreement was obtained from the wretched ruler to add to his former subsidy the expense of one European and one native regiment of cavalry, provided the annual amount should not exceed five lacs and a half of rupees.\* A few months after this, the Nuwab Asoof Ool Dowlah died, and was succeeded by Mirza Ali, better known by the name of Vizier Ali. This prince was deposed in the following year; and Sadut Ali, the eldest surviving brother of the late Nuwab, placed on the throne, on the 21st January 1798. It was not a time to dispute about terms; and it was finally established that the annual subsidy should be raised to seventy-six lacs of rupees, and that the fort of Allahabad should be made over to the English. It was also arranged that the regular amount of the English forces, stationed in Oude, should be ten thousand men, including all descriptions; that if at any time the amount should exceed 13,000 men, the expense of all the troops above that number should be defrayed by the Nuwab; if it should fall below 8000, a proportional deduction should be made. The Nuwab further agreed to pay twelve lacs of rupees to the English, as compensation money, for the expense of placing him upon the throne.

The next point was to interfere in the appointment of his ministers, and in the internal affairs of the country, as sufficiently appears by a letter from the resident:—"What the Nuwab aims at, is the independant management of the interior concerns of his dominions, to the exclusion of all interference and inspection on the part of the English government; and to the gradual diminution of its influence over the internal administration of

\* A lac is a hundred thousand. Ten thousand rupees is one thousand pound sterling, in round numbers.

his country.”\* At the same time, the Nuwab was pressed to disband all his army, which would completely leave his country at the mercy of the English. These and other matters so harassed him, that he wished to abdicate the throne in favour of his son, and proceeded on a pilgrimage to Mecca. The answer of Lord Wellesley to this, was, to direct the resident to attempt to induce the Nuwab, before his final resignation, to form a secret treaty, giving over his dominions to the English. This the Nuwab refused to do; and the Governor-General was so exasperated, that he accused him of duplicity and insincerity; insisted upon his paying further sums for the maintenance of additional troops, and forced him to disband his own. This was finally accomplished in 1800. In the course of the next year, the Governor-General professed to doubt the ability of the Nuwab to pay the stipulated sums; forced him to cede nearly two-thirds of his dominions; and it is probable that the rest would have been taken from him but from fear of the British Parliament, and the dread, that if he brought down too strict an enquiry (an object always dreaded by the East India Directors), he would not obtain his grand object in securing such benefits to the East India Company—a *pension*. With what face, after reading the above summary, can we pretend to abuse the proceedings of Russia? Such have been our relations with Oude. After repeated and encreasing demands for the last thirty years, the Nuwab (now king) has been reduced to a third of his former dominions. He is sensible that he only retains his throne during the pleasure of the English; and after Lord Wellesley’s proposal, and conduct in its being rejected, is it possible that he can ever divest himself of the idea that it is our intention finally to seize his territories; and is it likely, that when he does not feel a day’s security on his throne, he should devote himself to the labour and toil of superintending the government of his country? It would not have been in the least surprising if he had given himself up to his pleasures, and

\* That the Nuwab should wish to have the internal management of his own country, seems in the eyes of the resident to have been a great offence.

left his country to its fate, considering how his dignity has been lowered in the eyes of his subjects, and how constantly the resident interfered with almost every act of his government, directly or indirectly; and at the same time that we complained that the Nuwab had neglected his duties, we allowed our troops to be called out to enforce every demand of every petty governor of a province within the Oude dominions. Yet notwithstanding certain abuses, and occasional arbitrary acts, which must necessarily follow upon such a train of events, the truth will appear when impartial enquiry shall be made, and that is, that notwithstanding the representations of a few sepoys and menials, the *people* are by no means anxious to see our government substituted for that under which they now live.

The following summary is quoted from an official memoir drawn up by Major Sutherland, and printed, but not published, by Government, in 1833:—"There is no state in India with whose government we have interfered so systematically, and so uselessly, as with that of Oude. But this interference has been more in favour of men than of measures; and has apparently been utterly useless for the purpose of securing to the people of Oude any improvement in their institutions, or in the form of administering them. We at one time sent our officers and troops to enforce the payment of the revenue claimed by the Oude government from its subjects, without having the means of judging whether that claim were just or unjust; and we have lent our troops almost for the performance of the ordinary duties of police. We at another time supported a minister in his office, and, during our support of him, borrowed money from the treasury of the state, the interest of which we guaranteed in perpetuity to him and his family, though in lending it he was guilty of betraying the interests of his sovereign. We have at another time withdrawn our troops from the support of the minister, and left him to his own resources. We have on several occasions placed ourselves in the humiliating condition of debtors to the Oude government: we have shut our eyes to the extortions and oppressions which have driven its subjects into rebellion, and

then we have lent our army to punish, and reduce them to obedience. But in the whole history of our interference, there does not seem to be one measure calculated to produce any lasting benefit to the people of Oude."

Such has been the general line of conduct hitherto adopted by the British power in India towards the native princes by whom they were surrounded; at least towards all those over which it could exert such authority. Surat, Tanjore, Arcot, the Carnatic, and some smaller principalities, exhibit much the same history, and the same results. Setting aside the question of the justice of the policy which secured us one large portion of their dominions; what we should have done with regard to the remainder, would have been to have intimated to the different rulers, that we only guaranteed them security from foreign invasion—which, in most instances, could be done without actually stationing any British troops within their dominions—that they must provide themselves against interior commotion, and that we should not interfere in their internal arrangement of their respective possessions. This would, at least, have been an intelligible plan, and far better than that which we have pursued. The fear of rebellion in the event of misgovernment, and the conviction that they were really independent princes, would have been two powerful causes to induce the native chiefs to attend to the government of their countries and the welfare of their people; and the next step would have been to have introduced a better mode of government into our own territories; thus proving our claim to the character of a more enlightened nation; and making our subjects richer, happier, and more contented than their neighbours; which, by the force of example, would have a far greater effect in promoting the civilization and improvement of the latter, than any other means that could be devised.

So far, however, from this being the line of conduct chosen, our Government has pursued a system of vexatious interference in detail, so as to lower the dignity and authority of the native princes in the eyes of their subjects, and greatly to embarrass



their administration. The choice of their ministers was not even allowed them;\* nor any measure of importance adopted, without the sanction of the British government. In some cases, the residents interfered much more minutely, both directly and indirectly; and their views and opinions were often guided by some menial favourite or clerk (monshee). This is really the truth. I could mention a native chief who has been successively stripped of two considerable portions of territory; one of which has been given rent-free in perpetuity to a person who was formerly a servant; and the other, at a perpetual low rent to a landholder. The representations of the political agent have been the ostensible cause; the reasons given in the latter case, oppression on the part of the chief; for the former I could never discover what plea was made use of; he had no more real claim than a civil servant, at the close of his period of service, would have to obtain a tract of land rent-free from the British government. The main-spring of the whole was this: that the servant and the landholder paid large bribes to the two favourites, who completely ruled the resident, and to the officials in the secretary's office in Calcutta. We live in supine ignorance of such proceedings; "but they cannot be concealed from the native public;" and it is not surprising that they should be ready to believe that our functionaries share in the peculations of their subordinates, when we recollect that in England the character of the great Lord Bacon does not yet stand clear from the charge of corruption, which his negligence or false confidence in his servants afforded to his enemies; and he still goes down to posterity celebrated as "the greatest, wisest, *meanest* of mankind."

It is to be feared the above are not solitary instances of the result of the former system of interference; and the effects of indirect influence are perhaps more numerous and equally injurious as far as they extend.

The interference of the British government in the loans to

\* The right to interfere in the appointment of minister is openly assumed in a letter from the chief secretary to the resident at Hyderabad, dated 31st December 1809.

the Nizam of Hyderabad must be fresh in the recollection of most of my readers; and although diplomacy contrives curious veils to conceal its transactions, the outline of its natural form is sometimes so distinctly marked as to reveal itself through the folds in which it is enveloped. In this case, it was simply this. A Mr. William Palmer established a trading and banking firm at Hyderabad, which had all the appearance of being supported by the British government, because the house of business was within the residency grounds. Mr. Palmer was joined in business by Mr. Russell, an officer of the Madras engineers; and as this gentleman was a personal friend of the resident's, he was entrusted by the latter with a large sum of money, to be employed on his account. Afterwards, Mr. Sotheby, first assistant, and Mr. Currie, surgeon, to the residency, joined the firm; and subsequently, Sir William Rumbold, who had come to India in the suite of the Marquis of Hastings, joined it likewise. The private influence of the resident was exerted to promote the prosperity of the firm; and, under all the circumstances, the natives of course supposed it to be a government concern, for the benefit of the resident and other friends of the Governor-General. Nor is it in any way surprising that they should have thought so. Accordingly, loans were made to the Nizam's minister, interest upon interest charged, new bonds were extorted, until the apparent debt to the firm had in a short time been encreased to three or four times the sum originally lent; and the Nizam (prince) was made to pay about twenty-five per cent. to the above firm, when he could have procured money to pay it off, from the Calcutta merchants, at six per cent.; but they entertained similar notions to those of the natives, and considered the Hyderabad transaction a sealed letter. In 1820, Sir Charles Metcalfe was appointed resident at Hyderabad. He represented the whole affair to the Government, and thereby brought upon himself the displeasure of the Governor-General. The real nature of the transaction is sufficiently apparent, from the admission made by one of the partners in an official communication, that without the support of the British government his firm could not stand a day. Such is the real statement of the

establishment of the firm of W. Palmer & Co. at Hyderabad; the facts will be found in the official production of Major Sutherland just alluded to; and it was for exposing the system of extortion carried on in that state, under sanction of the British government, that Sir Charles Metcalfe has been assailed with such obloquy. Whether the doubts that have been lately expressed, of the favourable feeling entertained by Sir Charles Metcalfe to the freedom of the press, have any foundation, remains to be seen; but his communications to the Bengal government on the Hyderabad affairs, display a noble and manly spirit of independence.\*

In minor points, who does not recollect the member of our civil service, who, after having been dismissed for malpractices, with a positive order from the Court of Directors against his future employment, was sent up to Lucknow with a recommendation from the Governor-General to the king, which the latter considered in the light of a command to give him an official post? Who does not remember the same influence exerted to procure employment, or, in plain English, a pension, for an English singer and his wife, from the unfortunate king of Lucknow? I have myself seen the influence of the resident at Lucknow exerted to induce the king to buy a French toy at a most exorbitant price. The resident himself exhibited the toy, and recommended the purchase; and when we consider the complete thralldom in which the Government of Oude was then held by the resident, if this be not direct influence, I know not what is. The same authority has been exerted to induce the king to entertain English coachmen, gardeners, musicians, and all sorts of people whom he had no wish to employ. It is probable, that the convenience which has in this way resulted to men in authority—not even excluding the head of the Government—has been one cause that Oude has so long been suffered

\* It has since appeared, by the publication of the minutes in council, that Sir Charles was the advocate of a free press, which he established as soon as he came into power; and that Lord William Bentinck was secretly

proposing to keep it under the controul of Government, while he was making speeches, and writing letters, professing to be a friend of freedom of discussion.

to remain an independent kingdom. Had it been annexed to the Company's dominions, all these sort of proceedings would have been annihilated; and whatever surplus existed, after paying the expenses of its management, must have been carried to the Government treasury.

But, granting that it is expedient that some paramount power should exist among nations, to check abuses, and that that power is conceded to us in India, the next question is, Are we qualified to present ourselves as patterns for the imitation of the native princes? Have our proceedings, either as a government or as individuals, considered either in relation to our proceedings towards the country powers, or our own internal administration, been of so immaculate and honourable a nature, that we can challenge investigation? Is the treatment of Omichund forgotten? when Colonel (afterwards Lord) Clive, and the other members of the Bengal committee, *forged* the signature of Admiral Watson to a *false treaty*, in order to deceive Omichund, without whose assistance the Government could not successfully carry on their negotiations? Is the tragedy of Nundcoomar yet buried in oblivion? in which a judge of the Supreme Court—that Court which has been established avowedly for the protection of the people against the oppression of the Government—lent himself to commit, what Orme has not scrupled to call “a murder by the sword of justice?”

The whole system of our Government has hitherto been, practically, that of extortion and injustice to the people, for the sake of partial and temporary profit; so that while the country in general has enjoyed peace from all external aggression, ever since it was subjected to our authority, its native inhabitants have become every year more impoverished. The mode which we introduced of collecting the revenue, and the punishment awarded to the defaulters, will fully bear out this assertion.

In one year alone, nearly one-tenth of the whole land of Bengal, Behar, and Orissa, was advertised for sale for revenue balances. Surely such proceedings as these must have been chiefly caused by excessive taxation and misgovernment.

The same principle is still acted upon, although the detail of

practice is somewhat different. The sale of estates for arrears has been greatly discontinued, because it produced more harm than good, by lowering the value of landed property. The business is now left to the native revenue subordinates, who have ample latitude; and have been armed with the powers of police, in addition to those they formerly possessed. The modes usually adopted by them are various: confinement without food; selecting men of low caste to demand the balance, with a private hint to these to give every annoyance in their power to the family and person of the defaulter,\*—are among the most common. Men who possess money are forcibly compelled to buy portions of land or gardens from a defaulter, or to take the same in mortgage at double the value of the property; and some instances of oppression to a much greater pitch might be cited.

The custom of the people in marriages, as a means of extortion, has not been overlooked by the revenue officers. My readers are doubtless aware, that each great tribe of Hindoos, whether Brahmin, Rajpoot, or others, is separated into numerous subdivisions, of which the caste is considered more or less pure. The people of each are peculiarly careful in forming alliances with families whose caste equals their own. They often endeavour to make a connexion with one of a higher grade; and will occasionally consent to give a daughter in marriage to one, who may be a degree lower than themselves, in consideration of pecuniary or other advantages. It is also the usual custom for the father of the bridegroom to pay a sum of money to the father of the bride. This has been a fertile source of realizing the Government revenue. When a defaulter has a daughter, a person of much lower caste than her family is selected as her husband, provided he be willing to pay a large price. The defaulter is forced to give his daughter's hand to this person,

\* This affair of caste is difficult to be understood by the English: still there exist among us analogous feelings which will enable us to comprehend it. Suppose a tax-gatherer in England were to select, for the purpose of serving notice of taxes due, nightmen or chimney-sweepers, fresh

from the exercise of their respective functions, and direct them to force their way into the parlours, and serve the notices on gentlemen when sitting at dinner with a party of friends! Would not this be felt a wanton insult?

and the money realized from him is immediately seized on account of Government ! Any overplus that may remain, after liquidating the demand, becomes generally the perquisite of the revenue officer (tuhseeldar) for his good offices. Such have been the modes in which the Government taxes have been collected in the upper provinces for the last two years. To the sale of household property, cooking utensils, and even the spinning wheels of the women, which are worth only a few pence, I have already alluded. These are too common to excite a remark; besides being a legal source for prey. Latterly, too, it has not been much resorted to, being found unproductive from the deficiency of purchasers.

Such practices will hardly be credited by the public at large; but they exist notwithstanding. And again, I repeat, let it be put to the test of impartial enquiry. Some of the collectors are very well aware of it; and all might satisfy themselves of its truth, if they had free communication with the people. But they know that it is not in their power to prevent it. The revenue must be realized, or their character for efficiency is gone; so they quiet their consciences by pleading, that they are not informed of it officially.\* It is to no purpose that Govern-

\* It is quite impossible to persuade the people that such practices are enforced without the knowledge and sanction of the English functionaries. Before a native would venture to complain of such oppression openly, he first privately informs the collector, perhaps in general terms, without alluding to his own particular case. He easily perceives by the reception his complaint meets with, and the absence of any measures taken to enquire into the matter, that it will be his wisest plan to submit.

To show to what a pitch the native revenue officers sometimes carry their mode of raising the revenue, the following will give an idea:—The proprietor of an estate, with whose sub-renters an English merchant had extensive dealings for indigo, fell in considerable balance, although he had realized the whole of his demand from his sub-renters. The landholder and revenue officer (tuseeldar) devised

a plan to make the merchant pay.—Accordingly, a number of peons (runners or constables) were sent into the village to prevent the indigo from being cut, unless the merchant would advance the money to the defaulter. Indigo, my readers know, when ripe, deteriorates every day if not cut, and the value of the cultivation was nearly ten times the amount of the balance due from the landholder. To appeal to the collector or board in the regular way would take so much time that the injury would be past recovery. Fortunately, the merchant happened to have a friend who was intimately acquainted with the collector, by which interest he succeeded in preventing the extortion. But the tuhseeldar was not punished. It will be asked, why not prosecute for damages in the civil court in such cases? Alas, the merchant had had too much practical experience of the civil courts to hope to gain any thing by such a measure!

ment or the boards indite fine sounding paragraphs, disclaiming all sanction of such oppression, and professing their willingness to punish any instance that is brought to their notice. As long as they refuse to allow any reduction, and insist upon the full demand being paid, whether the season be good or bad, this can only be done by such measures as are above described.

Many instances are daily occurring to prove the intentions of Government, whatever may be the consequences, one of which has lately appeared in the newspapers. I allude to the letter from the collector of Bulloah, who, to his honour be it said, stood forward to expose to the board of revenue the system carried on in farming out the shops for the sale of liquor and intoxicating drugs, with the reply of the board.

The latter was well characterized by the editor of the *Mufussil Ukhbar*, in the following statement:—"We call the attention of our readers to a letter from the deputy collector of Bulloah, and the reply to it from the board of customs. Would that there were more such deputy collectors in the service. This gentleman (whose name we wish we could publish) has had the courage to stand forth and tell the truth regarding the manner in which the akbarry (distillery revenue) is farmed out every year, and we believe in every place. We can vouch for its being the system in more than one district. The board of customs, consisting of men who have been bred up in Calcutta offices, and know little or nothing of provincial affairs, are, or pretend to be, quite shocked at the recital in the deputy collector's letter; and in a very prudish manner, write eight or ten pages of foolscap, deprecating very properly the plan adopted for raising the revenue. So far so good. This wonder at the account given sufficiently shows that they are not adequate judges on provincial affairs. But they, at the same time, seem to be very angry with the deputy collector for his sincerity in telling them the naked truth; indeed, the meaning of their reply, being interpreted, is,—If you can raise the revenue in the excise department by fair means, do so, but if you are *obliged* to have recourse to foul means, do it secretly, and do not tell us in a public letter how you manage it; but recollect, if any defalcation takes place in

the excise revenue, we hold you to be responsible for the revenue being kept up to its present rate."

From such a statement as this, it is, however, cheering to turn to another public document lately published, which seems to indicate that a dawn of brighter views is advancing in other quarters of the political hemisphere. The board of revenue at Allahabad has, not long since, actually refused to sanction a settlement, because it was too high. A few more such *acts* as this will convince the collectors that Government is really in earnest in withholding its countenance from the extortion and injustice which has hitherto prevailed.

I could produce an instance when the pardon of some convicts was recommended and obtained; the real reason being, that the collector-magistrate hoped to realize a still higher rent from the village to which they belonged.

Let me once again advert to the difference in the system in force for the administration of justice where Government is the party concerned, and where the interests of individuals only are affected—to the process for enforcing decrees in favour of the latter, and in realizing the revenue—to the courts before which individuals are destined to delay and procrastination for years, and the special tribunals erected for speeding the immediate interests of Government. Regarding the general features of the civil courts, it is sufficient to allude once more to the extraordinary dispatch of the court of directors, of March 1812, and to reports and circular orders of the Sudder Dewanee (Supreme Civil Court) of various dates, almost up to the present time, which have already been quoted in various numbers of these papers. The substance of the dispatch is as follows:—"We apprehend that it would have been better to have left the people to decide their causes themselves, by any arbitrary methods they chose, than to harrass their feelings, and ruin their property, by establishing courts where justice is sought in vain."

Let my readers compare the summary and severe measures enacted for realizing revenue balances, with the dilatory, and often impracticable, proceedings, prescribed for executing the decrees in favour of individuals, which were alluded to in No.



XXVII. In addition to what was there stated, may be adduced the following practice. Should an individual, after years of litigation and expense, have succeeded in causing the realization of his demand, and its deposit in the civil court; suppose the collector has a demand, which has been due only within a few days, on the person against whom the decree was given, he sends intimation to the judge, who, instead of paying the amount to the plaintiff, forwards it immediately to the collector. Nay, there is an order from Government, that, in the event of any landed property being sold in satisfaction of a decree at the suit of an individual, the proceeds are applied to liquidate any demand which may exist, on the part of Government, against the owner of the land, even though this may have arisen many years subsequent to the decree of the court.

With regard to the resumption, or rather the *confiscation*, laws, Regulation II. of 1819, and others, I cannot refrain from another attempt to attract attention towards their flagrant injustice, and placing their provisions in a concise view. Suppose a foreign conqueror of England were to enact a law to this effect:—"Whereas there is reason to believe that many estates are now in the possession of the people whose titles are not valid, and that it is expedient that all such be confiscated and farmed on account of Government; whereas, also, we find that the courts of justice which we have established are so extremely dilatory in their proceeding, that great delay exists in confiscating these estates by regular course of law; moreover, that some of our own judges are too independent to decide every case in favour of Government;—Be it therefore enacted, that a new tribunal shall be constituted in each county, for the trial of these cases; that the county collector of taxes shall be both judge and prosecutor; that he shall call on the possessor of any estate to come before him, and prove his title; and, after investigating the matter, shall either confirm the proprietors in possession, or confiscate the estate, for the benefit of Government, and proceed immediately to farm out the lands; leaving the owner to seek redress in regular courts, which we have already announced to be virtually useless. As an inducement to the collector to attend to

the interests of Government, he shall be allowed a percentage on the value of all land he succeeds in confiscating. To prevent the evils which might ensue from the collector being too lenient, in every case in which he shall pronounce in favour of the owner of the land, he shall transmit his proceedings to the board of revenue, by whom they shall be either confirmed or annulled."

This would seem strong enough; but, a few years afterwards, a new law is promulgated as follows (Reg. III. of 1828) :—

"Whereas it has been found that the interests of Government in the confiscation of estates have not been sufficiently attended to; that on the appeals from the proceedings of the collectors and boards, some of our judges have been independent enough to give an equitable decision; and that, although after years of suffering, injustice, litigation, and expense, some of the ousted owners have succeeded in regaining possession of their estates;—Be it therefore enacted, that the regular courts shall not have any jurisdiction in such matters; but that, to decide appeals from the decisions of the collectors and the boards, a special tribunal shall be established, whose orders shall be final. This court, being more under the eye of Government, will, it is hoped, pay more attention to the interests of Government, than has been evinced by the regular courts."

Whatever sophistication may be attempted, such is the real tenor of the regulations alluded to. Let those who imagine it to be exaggerated or perverted, carefully peruse the laws, and judge for themselves.\* Let it also be borne in mind, that many years previously, the people had been assured by Government, on the faith of laws enacted to that effect, that their proprietary right in rent-free lands should not be disturbed, except by a judicial decision. The framers of the laws probably satisfied their consciences with a jesuitical persuasion, that good faith had not been broken, since the new tribunals were now *legally constituted* to try these cases.

I am aware that many of the rent-free estates are held upon forged or invalid titles; it is the breach of faith, and injustice of

\* The various Regulations are specified in detail in Article XXXII. of this series.

the mode in which the enquiry is directed to be instituted, that is here decried. After being conversant with such proceedings, it is not surprising that collectors should propose to Government to confiscate the rent-free lands at once, without any enquiry, leaving the ousted proprietors to sue Government in the civil courts. Such propositions were made by Mr. Salmon at Bogli-poor in 1817, and by Mr. Ford at Moradabad at a later date, and by others. They were negatived by the Government, which decision was approved of by the court of directors; but the latter have not found any fault with the confiscation regulations, which are just as arbitrary and unjust as the above propositions. The following instance will give some idea of the extent of oppression which can be exercised under these laws. The Nuwab of Furrukhabad granted to his tutor, Kadir Alee, a large estate, rent-free, in perpetuity for himself and descendants, male and female. The grant was recognised in the treaty with the Nuwab, when his territory was ceded to us;—the estate had descended to the third generation;—yet all this did not prevent the collector of Furrukhabad from confiscating it, twenty-six years after the cession of the province, to bring himself into the good graces of Government.

Take another example of the mode in which Government consider their own interests, to the prejudice of those individuals. Should any person have a demand against a commercial resident, salt merchant, weaver, manufacturer, or any other person employed in procuring the Company's investment, the usual processes of law were dispensed with, and special forms were enacted to be adopted against these people. Whatever frauds they may have practised against their creditors, their persons were protected from arrest, during the whole of the season that they were employed on account of Government; and even at other seasons, they cannot be imprisoned, without notice being given to the commercial agent. Even as witnesses, they are not to be summoned, unless their evidence be absolutely required, and, when attending, are to be discharged as soon as possible. These laws have, it is true, been abolished, and the people alluded to subjected to the ordinary process and forms,

by Regulation IX. of 1829: that is, when the commercial speculation on the part of Government had been so diminished as to be of little importance, and when the court of directors were pretty well aware that a complete stop would be put to them on the promulgation of the new charter. So a virtue was made of necessity, and credit for an enlightened measure gained at a very easy rate.\*

What have been the results of our police system, and that for the administration of civil justice? It has been over and over again pronounced, in official reports, not only not to afford protection to the people, but to be a source of intolerable vexation and oppression. To be in any way concerned in a criminal prosecution, is regarded with such horror, that the almost universal object of a person who has been robbed, is, not to seek redress from the police, but to conceal the injury he has suffered, that he may not be subject to the additional extortions of the officers of Government. The instances which could be adduced to prove this, by all those who maintain any communication with the people, are almost innumerable: one has just been brought to my notice. The house of a man suspected to be a receiver of stolen goods was searched, and a considerable quantity of plundered property discovered. Among this were some gold and silver ornaments, which were instantly recognized as belonging to a man who had been robbed a short time before. The owner, however, declined acknowledging them to be his; observing to his friends, that he was perfectly aware he should never be able to recover them until he had been fleeced of their full value by the officers of the court and police, in which case he should suffer the positive loss of the time spent in attendance on the court, and the expenses of travelling backwards and forwards.† The

\* In 1804, Lord Wellesley, the Governor-General, expressly admitted that the "main and avowed object of the Company's system, is an exclusive appropriation of the labour of the weavers, and the establishment of a controul over that labour, to enable the commercial officers to obtain the proportion of the goods required for

the Company, at prices to be regulated by the officers themselves."

† Whilst writing this, I have just heard of another case of a similar nature. Not far from where I write, a wretch enticed a child of about five years old into a field, took off its ornaments, and was proceeding to murder it with a sickle, when he was

narrative of events in the life of Peer Busksh, alluded to in a note to No. XXXVI. is well worthy of attention. The name may perhaps be imaginary, and, possibly, even the statement may have been drawn up without reference to any particular individual, merely as a specimen of the proceedings of the police, but it bears such internal evidence of truth, that I have not the least hesitation in subscribing to the fidelity of the picture of occurrences, which I know to be too common, especially in the Bengal provinces. The writer has evidently both seen and observed, and it is to be hoped that he will publish more information of the same kind.\*

The extortions of our native Government officers, and the amount which is annually paid to these people as bribes and *douceurs*, are notoriously greater than exist under the native princes. Men who receive fifty or a hundred rupees only a month, spend double, or even treble; and yet, at the end of a few years, have sometimes amassed property to the amount of twenty or thirty thousand rupees. From three hundred to a thousand rupees is commonly paid to a person whose influence with the English functionary can procure a situation of which the authorized salary is from eight to thirty rupees a month. A police jemadar (sergeant) whose salary was eight rupees a month, not long since acknowledged to an acquaintance of mine, that his situation had, in the space of not quite ten months, netted him twelve hundred rupees; and he spoke of it as not being by any means extraordinary. Enormous as this may seem, it is credible enough. Let me also remind my readers of the system for purveyance and forced labour detailed in No. XXV.

The not uncommon occurrence of men under examination,

arrested by some people who were at work, and who were brought to the spot by the cries of the child. The father, on hearing what had happened, was furious, and, had he not been prevented, would have, in the first moments of revenge, sacrificed the miscreant on the spot; but when he found that he must proceed thirty miles off, to the English magistrate's office, he

offered the district police officer a bribe to allow the matter to drop—so great was the dread which he and all concerned entertained of having any thing to do with the court. One of those which we are pleased to assert are such blessings to the people.

\* A copy of this is subjoined in the Appendix.

being confined for months and even years before they are tried, and the accidental detention of convicts for a considerable time after the period of their imprisonment has expired, has been before alluded to (see No. XXXIII. and others,) and the cool manner in which such abuses are passed over has been noticed. Here the natives only suffer; and as an additional proof of the little attention paid to their sufferings when put in competition with the interests of Government, *i.e.* with the object of realizing the highest possible revenue, I must refer to a case, where the judge, in his zeal for assisting the collector in his laudable endeavours, had caused the sale of many estates not only unjustly, but contrary to the legal forms and process prescribed; on which proceeding the superior court merely observed "that they regretted he should have acted thus."—(See Construction Book, published by the authority of the Sudder Dewanee, No. 128, July 8, 1813.)

What (let it be asked) is the general character of the system we have established for the civil, criminal, and revenue administration of this great country? Oppression, extortion, and injustice are its main features. Not only do the people of whatever class, English or native, who are subject to its influence and operation, universally lift up their voices against it, but the committees that have been formed in England to enquire into the business, as well as the public functionaries in India, have borne testimony to this lamentable fact. The appendix to the fifth Report, which I have had occasion so often to quote, and other documents, should be carefully perused by those who wish to obtain real information on the question. What must have been the sentiments of those who framed the preamble to Regulation I. of 1821? The whole of it should be read with attention. I cannot resist quoting the following passages:—

"These abuses have been chiefly practised through the perversion to the purposes of chicanery and fraud, of the rules enacted for the collection of the Government revenue, more especially the provisions relating to the public sale of land for arrears. Under cover of these rules, but contrary to the true meaning and intent of the law, by which, though a considerable discretion

was left to the revenue authorities, the measure of a public sale was principally designed for cases of embezzlement, contumacy, or fraud; many estates were sold, from which no balance, or a very trifling balance was due, or on which the arrears accrued without any embezzlement, or wilful default on the part of the sudder malgoozar (superior farmer). And others were disposed of without an observance of the prescribed forms. In several cases, too, a recourse was had to the measure of a public sale without any proper ascertainment of the liability of the proprietors, or the fact of their being under direct engagements to Government. Thus some estates would appear to have been brought to sale for arrears, although the parties responsible to Government for the revenue held only a very limited interest in the *mohaul* (estate) sold, or were persons possessing no fixed right of property therein, who had been recorded as proprietors, and admitted to engagements on the faith of fraudulent and abusive statements; and some appear to have been sold of which the tehsildars (revenue officers) had themselves retained the immediate management; the ostensible malgoozars (farmers) being creatures of their own, or names purely fictitious being entered on the records."

Again:—

"The persons who have suffered by the aforesaid abuses are, for the most part, poor and ignorant men, unaccustomed under the former Government to any regular system of law; little acquainted with the principles of the British code, or the regular forms of British judicial proceedings; incapable of availing themselves of the protection it was designed to afford; and possessing not the means of securing the aid of individuals better informed; while those opposed to them are for the most part men of wealth and power, who acquired their possessions through influence of official situation, and by an abusive exercise of the authority vested in them as officers of Government, who are well acquainted with all the forms of law, as administered in our courts, and who possess ample means of securing the retainers of the Adawlut (court) in their service."

In corroboration of the view presented, take the following

quotation from the Minute of Mr. Holt Mackenzie, dated October 1, 1830 :—" If I were required to give an opinion as to the practical effect of our code in the western provinces (the effect of our administration is a very different question), I should say, that *just in proportion as it has been enforced, have the people suffered.* Of the ceded districts, those within or immediately adjoining the jurisdiction of the Benares provincial court, have been most cruelly outraged. As we proceed further to the west, we find fewer symptoms of the operation of our code, and the people better secured in their rights and properties ; and in the Delhi territory, though the people have, I suspect, often been in many cases overtaxed, and though when we acquired the country their habits were particularly lawless, the state of things seemed to me to be far more satisfactory than in any of our regulation districts."

Again :—

" We are everywhere met by people complaining of the authorities set over them, and the authorities complaining of the people. *The longer we have had the districts, the more apparently do lying and litigation prevail ; the more are morals vitiated, the more are rights involved in doubt ;* the more are the foundations of society shaken ; the more has the work of civil government become a hopeless, thankless toil ; unsatisfactory as to its immediate results, hopeless as to its future effects."

Some are, however, so resolved to maintain the excellence of the British-Indian administration, that they endeavour to find excuses for all these abuses, in the circumstances that they are perpetrated by native agency, and cannot be charged either on the system of our Government or its British functionaries. As to the latter, by far the majority of the present generation certainly stand acquitted ; but with respect to the former, as long as we give salaries which alone would not be sufficient inducement to any man properly qualified to accept the situations, and in many are totally insufficient to defray the unavoidable expenses attached to the office, their peculation and dishonesty are *virtually sanctioned* by the British government. By making



it worth their while to be honest, and by introducing a system of proper check and controul, under which, whoever has a complaint to make will be really attended to, the natives in office may become as free from the charge of corruption as their English superiors. At any rate, no one has a right to pronounce them incurable, until the experiment has been fairly tried; more especially when it is well known that the civil service, under the same system which is now applied to the natives, contained scarcely an honest individual.

We boast of the security of property, which we are pleased to assert that the people possess under our rule. Is it to be found in the circumstances which produced the enactment of Regulation I. of 1821? Is it derived from the Courts, either civil or criminal, whose proceedings were such as to call forth the official declaration of Mr. Doddeswell in 1809, then Secretary to Government, that “to the people of India there is no protection of person or property?” Do the famous dispatch of the Court of Directors in 1812, already quoted, and the observations of Mr. Holt Mackenzie so late as 1830, tend to support the assertion? —It is notorious that in the rack-rented provinces all who are connected with the land endeavour to disguise any indication of the little wealth that is still left, and to assume the appearance of poverty. The general aspect of these provinces is the impoverishment of those connected with the land, as is sufficiently testified by the state of their habitations, and the mud huts which now form the residences of those who but a few years ago possessed comfortable houses, and the decline of trade and manufactures, which has been demonstrated by Mr. Trevelyan to have arisen from the most vexatious system of inland customs, devised in utter ignorance of the circumstances of the country.

What, again, has occurred in the Cole country within the last two years? We read with horror of the devastation of the Palatinate under Louis XIV. of France; but a scene of almost equal misery and oppression has been acted under our own eyes, within the last two years, exciting, comparatively speaking, but little attention. Nearly *five thousand square miles* of territory have been almost laid waste in suppressing an insurrection,

to which the people had been driven by the oppressions of the court officers, and those who had purchased their co-operation.

In addition to the instances already alluded to, of our political conduct towards other states, let me refer to the destruction of the Rohillas ; the treatment of the Rajah of Benares ; and still later, our conduct to the Rajah of Bhurtpoor. In the latter transaction, no sooner had the town been taken, than every species of property, public or private, that could be discovered, was systematically plundered. The Rajah's elephants, horses, and even his clothes and palace furniture, were carried away, on the plea that we had made war on an enemy's state ; yet no sooner was the young Rajah restored, than a demand was made upon him as a friendly power to pay the expenses of the war, and those of a political agent to superintend the affairs of the country. He was even obliged to build the house required for the accommodation of the agent ; and so little consideration was shown him, that after one house had been half completed, the agent changed his mind as to the eligibility of the site which had been chosen by the English ; and obliged the Rajah to erect a new house on another spot. Now the circumstances of the case are these.

Buldeo Sing, the Rajah of Bhurtpoor, died in 1825, and his dominions should by right have fallen to his only son Bulwunt Sing, then about seven years of age, to whom the British government had guaranteed the succession. But Doorjun Sal, nephew of the deceased, usurped the government ; on which the British troops were ordered to the attack, to reinstate Bulwunt Sing, in which they succeeded. We never acknowledged Doorjun Sal to possess any right, or to be other than a usurper : he only held the reins of power for a few months. The state property belonged to the deceased Rajah, and of course devolved to his son. On what principle of justice could we advance the plea that the property we plundered was that of an enemy ? Had there been an *Æsop* in Lord Combermere's army, it would have been a fine opportunity to retouch the fable of "The lion going a-hunting."

The same minor annoyances that are carried on by our resi-

dents at other states are practised by the agent at Bhurtpore. The Rajah is fond of the amusement of hawking on the lake which is close to that town; but his sport has been almost ruined by shooting parties of English gentlemen, who take advantage of the sanction of the agent, to abuse the authority with which he is invested. The latter also assumes the privilege of making use of the Rajah's palace at Deeg for the accommodation of his friends; and orders are constantly issued for the state apartments of this beautiful edifice being appropriated to the service of English parties of pleasure from the neighbouring stations, who, with their whole establishments, of children, servants, and dogs, may be seen "*defiling*" (in the eyes of the natives) the halls of their rulers. Conceive the feelings of a King of England, or of the Duke of Devonshire, or Lord Pembroke, on being ordered to prepare apartments at Windsor, Chatsworth, or Wilton, for a party of French or German tourists, at the command of an emissary of the African conquerors, so often introduced to bring the argument *ad hominem*.

We talk of the intestine disturbances which occur in the native states. Have we forgotten the imprisonment of Lord Pigot, the Governor of Madras, by his council? or the quarrels of the Governor-General, Warren Hastings, and his council? which proceeded to such a height that the country was on the very verge of civil war.

Such then are the general features of the British Indian government; of its political conduct and internal administration. We have hitherto laid claim to the credit of good intentions, to which, as I have before allowed, we are entitled, with a reservation of profit to ourselves and our masters. This being understood and provided for, we have been willing enough that the people should not be oppressed, beyond what was necessary to secure this end; and that they should obtain justice in their transactions with one another. But the first object was never to be lost sight of; nor any other to interfere with it. The assertion of the Government secretary in 1809, already quoted, that "to the people of India there is no security of persons or property," was transmitted to England, unobjected to, by the Government;

who therefore may be supposed to have admitted its truth. What progress has been made up to the present day towards the adoption of the first indispensable step to improvement, *i.e.* the appointment of a sufficient number of courts and officers to attend to the wants of the people? Little, indeed, compared with what was required.—Good intentions! Is this all that a nation who vaunts itself to be the most enlightened of the earth, can produce to establish the claim? Is this the only mode by which we have manifested our superiority over the *native barbarians* of India? Had we much else to advance, there probably would not be so much stress laid upon this negative quality. Good intentions! The Moosulman conquerors, who, at the head of their troops, laid waste the country with fire and sword, and called on the infidels to become converts to the true faith of Islam—offering the alternatives of death or slavery—were actuated by GOOD INTENTIONS; and that to a much higher pitch of sincerity according to their religious creed, than can be awarded to the English. *Good intentions!* “Hell is paved with *good intentions!*” We have had enough of good intentions, fair promises, and eloquent reports and declarations. It is time that Government should act, so as to deserve the title they have so often claimed.

What then is the result of all these observations? Again and again I assert it, without fear of contradiction, when the voice of the people shall be heard, that the sole benefit which we have given to our native subjects is freedom from foreign invasion, at least to a great extent. Holkar, Meer Khan, and the Pindarees, have at times ravaged parts of our territories. That the virtual impossibility of obtaining justice, that the progressive deterioration of the people can hardly be exceeded under any native government in India; that we have conducted ourselves, both officially and as private individuals, so as to produce the strongest aversion in the minds of the people; and that they would hail with joy *any* power which should hold out the prospect of overthrowing ours. We certainly do not hear of rich bankers being seized and tortured to induce them to give up their wealth by order of the Governor-General. But the proceedings of the native revenue officers, which are connived at by the European

functionary, are but a degree removed from such acts. The result, at least, is the same, although the modes of proceeding are different. The Governor-General and council do not issue an order arbitrarily to deprive a number of people of their estates, but they enact a law which shall empower the collectors to do so\*.

“ Full half a century has passed away,  
And never, never, in one Indian soul  
Of all the millions crushed by thy controul,  
Hath love, hath gratitude for aught that's dear,  
Stirred towards thee, or any thought but fear.  
We live among them like a walking blight;  
Our very name the watchword of affright;  
No sympathy, no pity, no remorse,  
Our end is profit and our means are force.”

INDIA, a *Poem*.

This is certainly no flattering picture. But it is a faithful one, and sufficient official documents have already been quoted at

\* Not long ago, the following paragraphs appeared in a provincial paper on the state of Oude :—

Surely the author of these observations must have intended a covert attack upon the British government; he could not have used more appropriate terms. The King of Lucknow on reading it suggested some corrections, and wrote as follows :—

“ These persons (the chucklidars, *i.e.* farmers of the revenue) have no interest in the welfare of the people; in fact, the happiness of the governed is directly opposed to the sordid views of the governors wherever the land is let out in farm. Generally speaking, the farmers of the revenue in Oude are selected from among the personal favourites and flatterers of the King or Queen, and the relatives and dependents of the minister. They are generally poor and needy men when appointed, and totally unconnected with the province the affairs of which they are sent to administer. No kindly feeling or sympathy exists between the people and the chucklidars; the latter are known only as oppressors and odious tax-gatherers.

“ They have no bowels of compassion for the contributors of the taxes, who are not their subjects, and whose universal bankruptcy, if it should happen the day after their farm is expired, would not in the slightest degree affect their interest.

“ These persons (the collectors in the British provinces) have no interest in the welfare of the people; in fact, the happiness of the governed is directly opposed to the sordid views of the British government, wherever the rack-rent system is retained. Almost the whole of the civil and military servants are selected from the relations and friends of the Court of Directors and the ministers. They are all poor and needy men when appointed, and totally unconnected with the country the affairs of which they are sent to administer. No kindly feeling or sympathy exists between the people and the collectors; the latter are only known as oppressors and odious tax-gatherers.

“ They have no bowels of compassion for the contributors of the taxes, who are not their subjects, and whose universal bankruptcy, if it should happen the day after they have been removed to another district, would not in the slightest degree affect their interest.

various times to establish its truth. What can be the object of an insulated individual, like myself, in depreciating the English Government and my own countrymen? Self-love and national vanity would surely enjoy a greater triumph in the idea of their superiority to the whole world. No one, however, who has a true feeling for the honour of his country, or the character of an Englishman, could be satisfied with such representations of her Government, and its members, as have hitherto been but too often exhibited in this country—to her shame rather than to her glory. I have lived long enough among the people of India to witness their sufferings, and to become acquainted in some measure with their feelings; and I am convinced that a crisis is not far distant. Fearing the dreadful consequences that would ensue to ourselves, and to the people, should this take place, I would rouse those on whom the fate of millions will depend—among whom perhaps their own wives, children, and connexions may be included—to amend what is wrong; and to prepare their measures to meet that crisis, and turn it to the benefit of the country, and the consolidation of our power; which must be founded on the only sure basis—the affection and confidence of the people. Our foreign extraction, our difference of faith and colour, is not the slightest impediment to this—as we *act* so as to *deserve* their respect and attachment, so assuredly shall we gain it.

“The people are looked upon as mere machines, out of which a revenue is to be screwed. The comfort of the payers of the taxes, and the improvement of the country, by making roads, building bridges, and other public works, are never thought of. The chuklidar’s whole and sole object is to make a fortune as soon as he possibly can, for he is never certain of remaining in office beyond the termination of the fuslee year. The laws, if the mandates of a despot can be called by that name, against revenue defaulters, are most severe, &c. &c.”

“The people are looked upon as mere machines, out of which a revenue is to be screwed. The comfort of the payers of the taxes, and the improvement of the country, by making roads, building bridges, and other public works, are never thought of. The collector’s whole and sole object is to gain credit with Government by extorting as much as he can, and to make a fortune to enable him to return to England. The laws, if the mandates of a despotic Governor-General and council can be called by that name, against revenue defaulters, are most severe, &c. &c.”

*“Cast first the beam out of thy own eye, and then shalt thou see clearly to pull out the mote from thy brother’s eye.”*

In reply to those who so willingly give credit to the flattering statements made by a few interested and designing supplicants and menials, I beg to refer to No. XVI. of these papers. In corroboration of the views there taken, the public prints have lately furnished a striking example. From the confessions of some Thugs\* at Saugor, which were published in the newspapers, it appears that on one occasion a whole gang of these miscreants had been apprehended by one of the Boondela chiefs, and that some of their friends went off to Khanpoor and made arrangements with the native officers of the magistrate's court in that district to procure their release. Accordingly a most pitiable case was presented to the notice of the magistrate, of poor harmless merchants, natives of the British territory, having been confined with a view to extort money by a tyrannical native chief. Without enquiry, the matter was taken up by the magistrate; the chief addressed on the impropriety of his proceedings; and the Thugs were accordingly released!

Is then, it may be asked, the paramount power never to exert its authority, or interfere with the concerns of the neighbouring states? Undoubtedly, by a proper method, and to a certain extent; but not in the modes by which it has hitherto made use of its superiority and influence. The abolition of the old system of interference is a praise-worthy measure, and it is to be hoped we shall never see its revival.

The extent to which I would have the British government interfere in the concerns of the natives, is this, alluding to the countries situated within Hindoostan and the Peninsula, beyond which our paramount power is not yet established:

To prohibit to the utmost of our power all wars and aggressions†; and to punish every instance of such.

\* Thugs are a description of murderers, who assume the guise of travellers, merchants, religious mendicants, &c. entice travellers to join their party, and at a convenient spot murder them, to obtain their property.

† Every one will recollect the war between the Rajas of Joudpoor and

Jeypoor, for the hand of the Princess of Oudipoor; and the tragical end of the princess, who was murdered by her own family, in order to put an end to the quarrel. Every friend to humanity would wish to see the paramount power exert its authority to put an end to such tragedies as these.

To call on the native chiefs to give their sons an enlightened and liberal education :

To insist on their instituting regular tribunals (leaving to themselves the plan and details) for the administration of civil and criminal justice :

To intimate to those to whom we have guaranteed possession and regular succession of their territories, that they must themselves provide against any common internal disturbance ; to grant them a reasonable time to make any necessary arrangements ; and then, whenever it may be practicable, to withdraw the whole of our troops from their territories :

To warn them that any glaring act of arbitrary oppression would draw down the displeasure of the British government:—Also, that our influence should be exerted to further any general measures for the improvement or execution of justice, (such as the destruction of the Thugs, &c.) but with this reservation, that all details of management should be left to them :

They should also be obliged to join in making lines of road, calculated for the general benefit of the country at large ; and to pay their quota of the expense, with reference to the size of their respective territories, and the proximity of these to the line of road.

This will be quite far enough to go ; at least until we shall have set the example of introducing a better system into our own provinces ; and have been able practically to demonstrate that our subjects are better off than their neighbours.

With regard to residents and political agents, excepting perhaps in two or three of the larger states, the fewer that are maintained the better ; and the attention of those should be restricted to observing and reporting on what passes :—but for this purpose, a different mode of selection of those who are to fill these offices should be adopted, than that of mere interest, which at present prevails. Above all, Government must not be too ready to believe a state to be overwhelmed with anarchy and misrule, because the servants of some individual Englishman



were beaten for their insolence, in attempting to levy supplies for their master and themselves, without payment. Many a report of this nature is made upon similar grounds. If, however, our Government should so far improve, that our subjects become really richer and happier than those of our neighbours, there will be sufficient indications of this, without the reports of the residents.

The punishment to be inflicted on those chiefs who should act in opposition to the line of conduct laid down, should be fine, or deposition in favour of the next heir. I am not at all anxious to see the British government take possession of any additional territory, until it shall have learned to govern what it already possesses, more to the satisfaction of its subjects than has hitherto been the case.

Much of this will, I fear, incur the charge of repetition of former remarks and observations, already made in previous numbers. I am fully sensible of the imputation; but I cannot flatter myself with the idea that the length and oftentimes tedious detail of these papers will invite many regular readers; and therefore am anxious to take every opportunity of awakening attention, which even a cursory glance may turn to some account. I am aware, also, of the apathy and indifference of my countrymen in general, to the interests and affairs of India, and of the continual and repeated friction that is necessary, to quicken their torpid attention, and excite their languid feelings on the subject. The most harassing tale of wrongs or injustice, once related, will command but a "nine days' sympathy, and nothing but reiterated complaints will prevail on us to take the pains requisite to remove the evil represented. "The unfortunate widow" succeeded even with the "unjust judge,"—and "the constant dropping of water will in time wear away the hardest stone."

*August 1, 1834.*

## No. XL.

ON THE INTERCOURSE BETWEEN THE ENGLISH AND  
THE NATIVES.

SOME observations on this subject have been already offered to the public in the earlier numbers of these papers, and allusions have been casually made in those of a later date. A great change in the circumstances of the country is now taking place. The Government have discovered that the attempt to manage the internal affairs of India almost entirely by European agency, has been a complete failure. The dark eyes and bronze complexion, too, of the natives, appear also to have risen somewhat in the estimation of our rulers: and it seems now to be generally allowed, that these are by no means incompatible with intellectual talent and moral worth;\* and that at least until we had tried the same experiment with them that was adopted towards the English functionaries, *i.e.* giving them salaries sufficient for their comfort and respectability; making it their *interest* to be honest, and placing them as far as possible out of the reach of temptations; we had no right to pronounce an indelible stigma on their character. Now again and again do I repeat, that the corruption and extortion so justly charged against natives in office and authority, is, under the hitherto extorting system, *virtually sanctioned* by the British government. India, too, is now thrown open to the immigration of Englishmen generally; and although there will not probably be that great inundation of settlers from the mother country, which so greatly alarmed the imaginations of the Court of Directors,—pouring forth from all channels, to overturn all law and government, and sweep the people from the face of the country,—yet such are the extravagant notions still entertained in England of Indian wealth, and so great the real ignorance prevalent on the subject, that we

\* Shakspeare dicovered this two centuries ago:—"I saw Othello's visage in his mind."

may expect to witness a tolerable influx of Englishmen into this country, for a few years at least.

With these prospects, a few hints may not be out of place on the subject which it is proposed to discuss in this paper, both to those in authority, and to private individuals. The extent of the evil which has been produced by the haughtiness and distant bearing of the English functionaries towards their Indian subjects, is by no means generally known or appreciated; nor the great influence which it has had, in alienating their affection, and impeding our progress in the knowledge of their characters and of the state of the country.

The origin of this conduct was a mistaken notion of its being the best mode of keeping up their dignity: and it is not a little amusing to observe how completely the real feelings of many of these individuals are at variance with their professions of indifference to the conduct and opinion of the natives. Numbers may be heard to declare, that they “care not what the natives think;” and yet the very same persons are constantly talking of “the propriety of keeping up the dignity of the British name and people.” The truth is, that in reality they do care very much what the people think; and are extremely anxious to be held in honour and esteem by them; unfortunately, however, they are in general so ignorant of the sentiments and feelings of the latter, that they have quite mistaken the mode of attaining their object. Generally speaking, they have left their own country at too early an age to have had any opportunity for the exercise of command or authority in their own persons; and, from the classes of society from which the larger proportion have hitherto been selected, few have had much intimate experience of it in the examples of their near connexions,—for the truth must be told, that by far the greater number of those who find themselves such great men in India, would have been obscure individuals at home; so that the temptation to make the most of their temporary consequence and dignity, is irresistible.

The modes in which this is shown are various. Of the rarity with which an Englishman returns the salute of a native, I have already spoken; but the absurdity of the notions entertained by

some, is extraordinary. I have met with many a young prig, fresh from the Writers' Buildings, who actually conceived that every native he passed ought to make *him* a salutation; and some, who after having been many years in India, still entertained the same ideas\*. Much difficulty exists about the mode of reception; whether natives should be allowed a chair, or even permitted to sit down at all, in the august presence of a Bengal civilian. Much stiffness and formality also is adopted, in the reception of a native visitor; and, at the same time, with all these attempts to bolster up our dignity, and construct grandees of men who were never intended by nature to be distinguished for grandeur, either of stature or intellect, we have, in fact, allowed ourselves to be completely over-reached. Real slights, such as have been already commented on, (see No. X.) in the matter of entering our rooms with shoes on, &c., are continually put upon us; and the greater number of the Bengal officers, whether civilians, or military men in the civil employ, are altogether in the hands of one or two native favourites, who play off their masters for their own benefit.

This was not the case formerly, as may be learnt from some of the old residents, who are still in the land of the living. I have talked so familiarly with men of the last century, that I may say, that, in many points, my recollection of India goes as far back as 1780; and these have all asserted that a very different order of things existed then. Many books of travels, and other works descriptive of India, give us, directly or indirectly, the same intimation. The reason was, that, in those days, we had not arrived at that happy state which the "blessing of the English government" has since produced in India; and were not convinced of the real or imputed corruption of the whole population. We were then sufficiently aware of the advantages which might be gained by their knowledge and experience, to further our interests, and assist our ignorance; and knowing the insecurity of our situation in the country, were sensible of the

\* I could mention one magistrate who actually insisted that every native who passed him on the road should dismount from his horse or convey-  
 | ance, if he were riding, to make a  
 | salute: and who punished summarily  
 | all who neglected this rule.

necessity of conciliation and mutual good understanding. So far from supposing it expedient to exclude them from every situation of respectability and power, we knew that it was through their means, principally, that we ourselves should be secured in our own situations of trust and dignity. Many natives, in those days, held very high authority; and our intercourse with them was much more on a footing of equality.

The change may be dated from the era of Lord Cornwallis's grand reforms of 1793, by which natives were excluded from all employments, except such as no Englishman would accept. From that day, a separation seems to have taken place between the two classes, which has been widening ever since. Many a young civilian, who had previously looked up to a native, as holding a much higher appointment than himself, was suddenly elevated to the situation of a judge or collector; in which he had appointments in his gift, which were not beneath the acceptance even of the native whom he had supplanted. It is no wonder that their heads were turned with such rapid promotion; and that some portion of the feelings said to be experienced by a beggar on horseback, should have arisen in their minds. Dazzled at first by the profound salams, and obsequious courtesy, of the natives by whom they were surrounded, they soon began to despise their subservient manners, and to elevate their own tone accordingly; not being able to distinguish the *real* feeling of respect and consideration from the ceremonial manners peculiar to oriental nations. Those who succeeded, naturally followed examples which they conceived to be founded on the usages of the country; and in proportion to our advances in power and consequence, our demands to have these pretensions acknowledged, became more extravagant; until, at length, each individual's conception of his own importance, became united in the idea of *the dignity of the English nation*, every one of whom imagined himself to represent the whole, and called upon the natives to fall down and worship him.

The consequence has been, the erection of a strong line of demarcation between the English functionary and the natives of all classes. Some supposed that there was scarcely a native

whom it was proper to admit to a familiar visit ; and this is very much the case at the present day. Others, again, feel their deficiency in speaking Hindostanee with propriety, and do not like to expose themselves before natives of rank. Many, again, declare that the natives have nothing to say ; or that the motive of their visit is to turn their supposed intimacy to some improper purpose. Others, again, under the notion of avoiding all chance of being biassed, keep aloof from the people, for fear they should even incidentally hear anything relating to any matter which may be brought before them officially.

From these and other causes, the universal complaint among the respectable portion of the people, is the difficulty even of obtaining access to the English functionaries ; and that, in many instances, it is impossible even to convey to the English grandee an intimation that they are in attendance, or that they wish to pay their respects, without giving a *douceur* to the servants by whom they are surrounded. Formerly, much intercourse used to be kept up by means of entertainments reciprocally given. Fifty or sixty years ago, the Moosulmans had no scruple about eating with an Englishman ; but they have changed their ideas of late years ; and now there are few in the country who would not think themselves degraded by doing so\*.

If such be the difficulties of becoming acquainted with the English functionaries, which the higher classes experience, those which are thrown in the way of the middle and lower classes are tenfold greater. From the presence of by far the greater proportion, they are excluded altogether ; and even those who do occasionally admit them, often keep them waiting for hours at the door ; and when they allow them to enter their presence, treat them with such hauteur, that they have little encouragement to persevere in their attempts at improving the acquaintance.

The evil of this state of things is very great. Our influence with the people is almost at the lowest ebb, and a very general dislike and suspicion of the English, as individuals,

\* On this head I again repeat, that, intrinsically, it is a matter of very little moment. But as an evidence of the change in the feelings of the Moosulmans towards the English, it is much to be lamented.

exists. One of the most pernicious effects of this, is the little opportunity which the British functionaries possess of acquiring information of what is going on immediately around them, and their great ignorance of the characters not only of the people at large, but of their own immediate official dependants and servants. It is by no means uncommon to see a man dismissed by one functionary for some gross corruption or misconduct, and employed by his successor, or by the officer in charge of the neighbouring district. Many cases are brought forward in our courts and offices, supported by the most barefaced frauds by the native officials, who trust to the usual conduct of the English officer, as a shield to prevent discovery. But the true merits of the greater part of these cases, and the character of those employed, are notorious to the people at large. They find little difficulty in becoming acquainted with the truth; and it is often quite impossible to persuade them that the British functionary can be ignorant of it. Consequently, they are too ready to believe, what those whose object it is to extort as much as possible, constantly assert, that *he* receives the *lion's share*. When an appointment falls vacant in the courts, or revenue or police department, out of perhaps a dozen applicants, there may be one or two well qualified for the situation,—but what is the judge or collector to do? He has too often neglected making any enquiries respecting candidates before hand; when the time comes, the vacancy must be filled up, and chance or interest decides who is to be the fortunate individual\*.

\*My readers are acquainted with the great exertions of Government to put a stop to gang-robbery in Bengal in the years 1808 and 1809. In the investigations that occurred, it was proved that these outrages had been systematically carried on in some districts for a couple of years before the magistrate or any other of the English knew anything about it; and that in others they knew no more than that such a thing did occasionally happen. The police officers did not report what occurred, from fear of losing their situations for not apprehending the perpetrators; and, in some instances, from

being in league with the thieves, and sharing their plunder: and the English functionaries had so little communication with the people, as not to hear of it from other sources. Conceive villages plundered by gangs of from twenty to sixty men, who carried on their outrages with so little apprehension, that they would often remain three or four hours in the village, coolly torturing the inhabitants to make them disclose the little property they possessed; and this, too, sometimes within a few miles of the magistrate's office, and that he should be ignorant of such occurrences! In

But times are changed now. The high situations of principal sudder ameen, and deputy collector, which are now thrown open to the natives of India, render it imperative that greater care should be taken in the choice of individuals to fill these important trusts. The first step will be, to acquire generally a better knowledge of the character and qualifications of the people; and the best mode of doing this will be a more unrestricted intercourse. It would be an excellent plan, if every civil officer were to devote a particular hour on one or more days of the week, at which he would be ready to receive visits from the respectable natives in his vicinity. The mode of reception should also be considered. A great deal too much importance has been attached to allowing chairs to be placed for natives. It is with them a great point to obtain this indulgence or civility, because they imagine *we* think so much about the matter; but if it were more general, it would cease to be an object of such great solicitude; it would become a matter of course. It is curious to discover where we derived the idea; for it is neither of English nor Indian origin. In England, if the first nobleman in the land receive a visit on business from his steward, or one of his tenants, he never thinks of keeping him standing, but as a matter of course, offers him a seat. Indeed, in some old-fashioned houses, after the business is over, he is invited to take his dinner with the family, or at all events has some refreshment provided for him in the steward's apartments; for none but the lowest description of farmers would willingly associate with the servants, except, perhaps, with two or three of the upper ones in families

one district alone, it was discovered that more than a hundred and thirty dakoitees (gang-robberies) had been committed, of which the magistrate had never heard. The gang-robberies on the Ganges and Jumna, from Allahabad upwards, which were last year stated to have constantly occurred for from two to three years previous, is another case in point. The magistrates may perhaps have heard of them, but the English society, or at least the official members in general, were perfectly ignorant of the subject, although boats were sometimes plun-

dered close to the stations of the English residents.

When the late insurrection first broke out in the Cole country, so utterly ignorant were the civil functionaries in that part of the country of the causes which occasioned it, of any grounds which the people had for discontent, or of what was really going on, that it was for some time looked upon as some petty disturbance or robbery, which a few extra police officers would soon effectually suppress.



of distinction, and who are themselves of respectable parentage. Some of the greatest landholders in England make a point of dining with their tenants on "rent day"—those especially who wish to keep up what is called "their interest in the country;" and on great occasions—a wedding, the birth of an heir, &c.—not only the head of the house, but the ladies of the family, and their friends, will often partake of a general feast to the poor and rich among their acquaintances and dependents.

In India, if any one will have the curiosity to visit a native chief when he holds *darbar* (court) he will observe almost every one who comes, even to small farmers and shop-keepers, after making their salaam, sit down,—not upon chairs certainly, because that is not the custom among the people. The chief himself sits upon the ground; the distinction merely being that he has a cushion. I have been at the *darbar* of a nuwab of very high rank, whose father ruled a large portion of territory, and also that of an independent rajah, at both of which the custom I have mentioned was universally practised.

I cannot see why we should deviate both from English and Indian rules of etiquette. Every large landed proprietor or respectable merchant should be allowed a chair when he comes to visit an English gentleman. For farmers, or the better sort of shopkeepers, benches should be provided; and for those of an inferior class, a setringee (carpet) should be spread, on which they might sit. With respect to men in office, it would be very expedient if Government were to place the matter beyond individual caprice or feeling, and issue an order as to the terms on which they are to be received by their European superiors. Men who hold the situations of *surishtehdars*, *nazirs*, *tuhseeldars*, *moonsiffs*, *kazees*, or *peshkars*,\* ought undoubtedly to be allowed a chair. I believe there is an order from Government to this effect with respect to *tuhseeldars*, but it is very seldom acted on. Often, when these officers attend the collector, either merely to pay their respects, or on business, they are allowed to wait for an hour or two, in the verandah or lobby, among the

\* Different grades of officers in the judicial, police, or revenue departments.

servants; and then obliged to stand during the whole period of their visit. I have seen men treated in this manner who were possessed of large landed property, and who occupied among the people the same station as our country gentlemen in England. What would be the feelings of Englishmen if they were to see our country gentlemen and squires receive this sort of supercilious treatment from a young African lad, who, had he remained in his own country, would have perhaps been a clerk in a merchant's counting-house, or even in a still lower situation of life\*. The cases are precisely parallel, and men's feelings are much the same in most regions, though, perhaps, in matters of form and etiquette, more sensitive in Oriental countries than elsewhere.

The absurd affectation of hauteur is also adopted in our courts and offices. Some observations have lately been made in the public papers on the want of accommodation for spectators in an Indian court or police. We have some intermediate steps to take before we arrive at that pitch of civilization and courtesy. No seats are yet provided for the officers of the court; nay, no attempt is made to preserve order; the judge or collector sits down at a small table, and all the rest stand *during the whole day*. Even the papers that are being read and referred to are lying about, some on the table, some on the floor, and some tucked under the arms of the officers in attendance. Considering that these are busily employed in reading, writing, and other matter that require constant attention, it is astonishing that they are able to bear the fatigue for seven, eight, or even nine hours together, particularly when we consider that their usual habits

\* Some years ago a young man came out in the civil service who gave himself extraordinary airs. Hardly any one in the country was sufficiently good company for him. His intimate friends the Duke of A., Lord B., Sir Thomas C., &c., the visits he had paid to them at their country seats, &c., were his constant theme. His behaviour to the natives contained a double portion of hauteur, and to the poor East Indians it was quadrupled. Had he given himself none of these airs,

but behaved like a gentleman, he might have been respected by the whole society; but people were curious to know who this young grandee could be. He proved to be the son of a London tradesman, who had occasionally been sent by his father to the houses of the nobility and gentry to receive orders for goods. This soon was as well known among the natives as among the English, and he acquired a cognomen which he never lost.

are almost entirely confined to a recumbent or sitting posture. To say nothing of the propriety of the thing, I am certain that if a little attention were paid to the accommodation of these people, in providing them seats and facilities for writing, the business would be got over in much less time. A couple of plain wooden benches, such as we often see occupied by a party of natives in the verandah before their houses, to be placed one on each side the table, would not cost much. The custom has for some time, I believe, been introduced in the *Sudder Dewanee*\*, at Calcutta; and I have heard of one or two individuals who have had the good sense to follow their example; though in one case there was some little difficulty started by the commissioner as to the expense, which would not be above forty or fifty rupees (four or five pounds) for each office.

With respect to the poorer classes, it would be equally expedient to make some arrangement for devoting a certain portion of time to hearing their complaints. A few minutes, either just as an officer was returning from his morning ride, or before he went out for his evening exercise, would enable him to do a great deal. Their stories are short and simple,—

“The short and simple annals of the poor;”

generally of some wrong inflicted by some rich neighbour or official of a court, but for which, either from poverty or ignorance of the mode of proceeding, he may be unable to obtain redress. If Mr. Holt Mackenzie's observation be correct, “that every district presents a great many wrongs which every one sees ought to be redressed, but for which the most skilful regulations can scarcely tell the injured in what shape they are to seek redress,” it is no wonder that the poor and ignorant classes should not know the proper course to adopt. It is astonishing how much labour an officer who acts in this way is ultimately spared; for it stands to reason that when it becomes known that free access is given to all, and that speedy enquiry follows any information received, abuses of all sorts will be very much checked. A public functionary who converses familiarly with

\* *Chief civil court.*

all classes, will soon be aware of almost everything that is going on, and of the characters of most of the people about him. I know one man whose district was what is technically called "in capital order;" he used jokingly to remark, when spoken to about it, that he contrived it by "holding court once or twice a day on horseback;" the meaning of which was, that in his morning and evening rides he took every opportunity of speaking to those he met; not waiting till he was addressed, but often beginning the conversation himself. This sort of behaviour procured him an influence which "a regulation man" would hardly credit or understand.

The summary of what I wish to impress upon my readers is, that times and sentiments are much changed within these few years in regard to India, its people, and the state of its affairs; and that the change is progressively proceeding. The day is passed when an English judge or collector was looked upon as a demi-god by thousands of obsequious natives; when he might virtually attend to or neglect his duty at his own pleasure; and when he could consult his own inclination in his conduct towards those with whom he came into contact, or confine his social communications to his own countrymen, and refuse to be bored by "the *black fellows*." The evils of a virtual denial of justice; of an almost irremediable confusion in the ownership of landed property, and of progressive impoverishment, which have been accumulating for the last thirty years, are now at a most critical point. Government has lately made some attempts towards introducing a better order of things; and it is hoped, ere long, it will become more fully sensible of its true interests, and, by the declaration of a *permanent settlement*, the one grand measure which will restore confidence and establish the security of property, prepare the ground for that future harvest, and those rich fruits, which it has such ample capabilities to produce.

Though the usual behaviour of official individuals, which has hitherto obtained under the mistaken idea of preserving their dignity and consequence, has greatly tended to create the aversion with which we are regarded by the people, it is not yet, I trust, too late to amend our conduct, and regain their good

opinion. We need not imagine that there is any thing peculiar in the native character, which requires a particular manner or mode of treatment on the part of their masters. Human nature is much the same in all countries; influenced by the same motives, and actuated by the same feelings and passions. Kindness will conciliate, and rudeness and insolence will repel; and there are mutual duties to be performed on the part of superiors and inferiors, which can only be fulfilled if each will duly do his own part. In England, at the present moment, the complaints of the upper classes are loud of the want of respect and attachment which is now evinced by the lower orders, and with good reason; but it is, in a great measure, the effect of the misconduct of the former, who have neglected their duties, and disregarded the claims of the latter upon them. Instead of residing at least a portion of every year on their estates, and keeping up their connexion with their neighbours and dependents by a variety of kind offices, they too generally spend "*the season*" in extravagance in London, and then go abroad to some petty town on the Continent, or to a watering-place in England, where, in a small lodging and reduced establishment, they recruit their finances, in order to enable them to support the expense of the next season in town; and all the acquaintance they have with their own neighbourhood, the inferior gentry, their tenants, or their peasantry, is during a short visit in the *sporting season*, or by the exertions of their stewards or agents to raise their rents as high as possible to meet their demands. The following passage, from a late number of "*Blackwood's Magazine*," though highly coloured, is but too true a picture of the conduct of a large portion of the upper classes in England at this day; though it is happily contrasted, at least on the part of some, by a very opposite course of conduct, such as I attempted to describe in an early number of these papers (see No. XIV.), when treating on this subject:—

"The exclusives not only keep entirely aloof from their natural supporters and friends in their own counties and vicinity, but they generally associate with each other alone, in migrations from province to province. Is there a *battue* given, or a select

party held in any of the great houses in the kingdom, the persons who are admitted to share in its delights, are none of their natural supporters, but the exclusives from other and distant counties; and they, in their turn, return the compliment by inviting the grandees from their own distant place to a similar *réunion* of rank and fashion. Wherever you go, it is Almack's and St. James's Street, the coterie of a few London drawing-rooms, which are assembled. The great and fashionable travel in England from one great house to another, from the Earl of this to the Duke of that, and know as little of the people or the gentry of their own country as they do of those in the Continental States through which they pass in their travelling carriages and four. Amusement, field sports, and exclusive society, seem the great objects in life to numbers whose talents, knowledge, and principles, fit them for better things. Is there an assembly of influential members of the Peers and Commons at a chateau in the provinces, the uninformed many imagine that some great national object is in view, and that it is to save the empire that so great a concourse of rank and talent is brought together; it is, unfortunately, frequently but to beat a preserve for pheasants and woodcocks, or to give éclat to the introduction of some *debutante* of fashion into the gay world.

“ If we lived in ordinary times, these foibles of the age would form the fit subject of the novelist's pencil or the poet's satire; but, connected as they are with great and disastrous public consequences, and calculated as they appear to be to snap asunder the last links which unite the Aristocracy to the party inclined to support them among the Commons, they assume a graver aspect, and become well worthy of the consideration of all who look forward to the means by which the progress of disaster may yet be stemmed. It is impossible to conceal, that the influence of the higher classes of the landholders and of the aristocracy has signally declined within the last fifteen years; and it is as impossible to deny that it has declined very much in consequence of their own conduct. Formerly the great families lived for the greater part of the year upon their estates, and opened their magnificent mansions to all their neighbours

and friends with whom they were thrown in contact, either by situation, occupation, or similarity of tastes. The young men of talent in their vicinity looked to these places as the centre of their promotion, and the great object of their ambition; and the families in the county were linked to them, not merely by similarity of feeling and principle, but by the recollection of happiness experienced, and favours conferred, and distinction received, under their roof. It was this mysterious compound of gratitude, admiration, and flattered ambition, which produced the influence of the great families, and threw over a numerous and powerful body of subordinate landholders those silken chains which bound them to the conservative side, and the cause of order, as firmly as the honour and the attachments of feudal power.

“Now all this is changed. The landed proprietors know little of the great houses which are dotted through their counties; they seldom enter their gates; and they, in their turn, are strangers to their inmates; they are envious of, because they are excluded from, their superiors’ enjoyments. Not one in ten of the middling classes even know them by sight. The secluded and exclusive aristocratic families frequently lead a luxurious indolent life, associating solely with each other, studiously keeping their neighbours at a distance, and knowing as little of the people whose support is necessary to preserve their own estates or honours from the clutches of the radical, as they do of the Kalmucs or Hindoos. The excitation of fox-hunting, the whirl of dissipation, the attractions of the opera, the *soirées* of the exclusives, the country parties of the great, occupy them entirely, as if no danger threatened them and their country; as if no Reform Bill had transferred to impassioned millions, guided by ambitious hundreds, the influence which should be centred in those whose measures are steadied by the possession of property; as if the evil days were not fast approaching, and the danger was not at every honest man’s throat. They appear absolutely blind to the state of the country, even when their more clear-sighted inferiors have almost lost hope; too many of them will be feasting like Belshazzar, when the hand-writing on the walls is before

them in characters of fire; they will be marrying and giving in marriage when the deluge is at hand."

Now is not this (varied of course by the different circumstances of the several parties) almost a picture of the life which is led by the English public functionaries in India? With the exception of some few honoured and beloved individuals, who having possibly experienced or witnessed the happiness arising from a better and wiser life in England among their own families or connections, have adopted the same during their residence in this country; and in some degree redeemed the English character among the people of India. I cannot but hope, that among the rising generation at least, there must be many whose education, whose tastes, whose feelings, have been formed upon such models; and who, though for a while they may have yielded to the temptations incident to youth and inexperience, and imitated the—it must be called—*vulgar* example of those around them, have not yet forgotten their early days and the associations of home and childhood. To them, especially, I would appeal, and exhort them to rouse themselves before it is too late. Evil habits may be stealing upon them almost imperceptibly; the voice of conscience may already have lost its power, and they may be "following the multitude to do evil;" but let them listen to one, who, having experienced all that they are now contending with, knows that it requires only a little resolution, a little independence of character, a little indifference to the ridicule or *affected* contempt of their companions, to redeem their time, and burst asunder the "withe bonds" which now entangle them. As to those of longer standing in the service, who complain of the want of leisure, the overwhelming pressure of business, and the necessity of recreation in their own families and among their English friends, after toiling for nine or ten hours daily in office, I fully allow the force of these objections; and am well aware that the enormous size of the districts, with their immense population, and the quantity of work with which every office is loaded, is a disgrace to the Government which has pursued, and is still pursuing, the sordid policy of temporary gain, to the injury even of their own future interests; and who will not allow the welfare



of the people to be put in competition with their narrow-minded and selfish objects. But I am at the same time equally confident, that it is in the power of every individual to do a great deal, even by the sacrifice of a few leisure moments,—and I am sure that, putting higher considerations out of the question, they would find the time devoted to this object more than repaid by the diminution of business which will thereby ensue in their offices.

To those who come to India as merchants and settlers, I have no particular advice to offer. If I am to judge by the conduct of those who are already here, at least in the upper provinces, there is little fault to find; and the new comers will, for their own sakes, speedily discover what line of conduct it will be their wisest plan to adopt for the furtherance of their interests and the future success of their undertakings, which will so entirely depend upon it.

*August 10, 1834.*

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## No. XLI.

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### ON THE CHARACTER OF THE PEOPLE: GENERAL OBSERVATIONS.

Two papers have already been devoted to preliminary observations on this head\*. In the first I endeavoured to show, that though the vanity and self-esteem of the English had exalted them to an almost immeasurable height, in their own opinion, above the natives of India, yet that when we became better acquainted with their character, and with our own, the difference might be reduced within much narrower limits; and many instances were there quoted to prove that, if we could claim exemption from some of the peculiar vices and follies of the natives, others, of which they were guiltless, might be justly charged upon

\* See some explanatory observations published between the tenth and eleventh numbers, and No. 34.

us. In the second, I endeavoured to remind my readers of the immense extent of India, and the great variety of nations of which it was composed; differing in their manners, customs, and language. The general tenor of those two papers is, to impress these facts upon my readers; to warn them against the absurdity of drawing general conclusions from a few local observations, in a country as large, and containing as great a variety of nations as Europe; and to urge upon them the necessity of impartiality, and of freedom from prejudice, in forming an estimate of the character of a people who so greatly differ from ourselves in religion, manners, and habits.

Before entering into the detail, a few additional general observations seem to be requisite; and first, I would caution those who are desirous to obtain a knowledge of the character of the people of India to avoid the error of judging of every thing by an English or European standard. This is a habit much too common. We forget the totally different circumstances of the two portions of the globe; the difference in the modes of government to which the people have been subject; and the little similarity which exists between their customs and habits and our own. We do not sufficiently call to mind the early age at which the East India Company's servants, and many of the other classes, leave England; but finding, in general, that the manners, usages, and structure of society, are different from what we have been accustomed to see at home, or what we imagine to exist there, we at once pronounce upon the decided inferiority of the one, and adopt a corresponding prejudice in our own favour.

It is necessary to protest, at once, against such a criterion, as it is inapplicable for several reasons. In the first place, all those whose sole knowledge of England is derived from their early observations and recollections, before they entered the Company's service as writers and cadets; and all those who left their native country at the early and inexperienced age at which an Indian career is usually embraced, are, with perhaps a few singular and remarkable individual exceptions, most incompetent judges of the state of society in England; and however well

qualified to form an opinion of what they meet with in India, they are not to be relied on when they attempt to decide on the comparative merits or demerits of the two nations. Nor can the result of their observations on their countrymen in India be allowed to form any sufficient grounds for making a proper comparison. The chief portion of the English in this country are the civil and military servants of Government; they are chiefly the sons of gentlemen; have enjoyed, generally speaking, a liberal education; and are placed above pecuniary temptation by being in the receipt of good salaries. Those in the mercantile line are, or at least were, until the late failures, and the change of circumstances in the administration of the affairs of India, in a very different situation from what they would have occupied had they remained in England. They were few in number, and enjoyed a monopoly of trade; almost all the subordinate stations were filled by natives; the greater number of the English, employed in mercantile pursuits, were each at the head of an establishment, of which the profits were sufficient to enable them to live in a style not only of comfort, but of splendour; while, at the same time, they could accumulate considerable, and sometimes immense fortunes, on which they might retire to their native land. Of the small number who composed the miscellaneous class, the majority were decidedly better off than they would have been had they remained at home.

Among men, situated as the different classes of English in India have been, and to a considerable extent still are, it is obvious that the tone of morality would be much higher than among a similar number, taken indiscriminately from all ranks and degrees, either of their own or any other nation; and there is another powerful cause which operates most strongly to produce a general rectitude of conduct—self-interest. The number of the English in India is so limited, that the character of each individual, instead of being confined to one small province, town, or even village, is well known over many hundreds of miles. In England, a man who has by any act rendered himself an object of suspicion or censure, has, in some cases, only to change his residence to a place even a few miles distant, to find himself

an utter stranger; and he will there have an opportunity of continuing his evil courses, or if disposed to become honest, and "turn over a new leaf," he has it in his power to become a respectable member of society. In India little or no such resource is left him. If he once receives the condemnation of the circle in which he moves, a change of residence affords him no escape. His character accompanies, or most probably has preceded him; and, generally speaking, he is a marked man for ever; and is either obliged to leave the country, or sinks into contempt and neglect, frequently followed by penury and disease, from which his only refuge is, but too often, the grave. This state of things, doubtless, has its disadvantages; there are certainly some men, who are only beginning the "*descensus averni*," who would, had they been allowed some indulgence and probation, have refrained, in time, from their evil conduct, and regained their position in social life; but who, rendered desperate by the odium with which they found themselves regarded, have sunk at once into irretrievable ruin. On the whole, however, the existence of such a state of things has perhaps been more beneficial than injurious to the character of the English population, in its peculiar situation in India. It should, at the same time, be borne in mind (to our shame be it spoken), that, perhaps with reference to this, we allow ourselves a very considerable latitude on many points of morality; and that much is tolerated among us here, without seriously, or sometimes in any degree, injuring a man's reputation, which in England would entirely exclude him from the respectable portion of the community.

The immense inferiority of the natives of India to ourselves, is, however, so favourite a topic with the English, that a considerable time will of necessity elapse, before we shall have sufficiently conquered our old prejudices, to view the subject with a philosophic or impartial mind. Their ignorance of history; their comparative deficiency in knowledge, in arts, and arms; and the childishness of their amusements, are often quoted in illustration. Here, again, we are too prone to fall into comparisons without considering the inadequacy of the grounds on which they rest. We find the native gentry of India very imperfectly

acquainted with—sometimes perfectly ignorant of—the history of Europe and of the new world: these are the points to which our historical studies are chiefly confined, as being those which contain, to us, the greatest interest. We forget the wide separation which has always existed between the European and the Asiatic quarters of the globe, till within a very few years; and until the late encroachments of Russia on Persia and Turkey, how little power the transactions in Europe had to affect the destinies or influence the movements of the Asiatic world. If this be the criterion of the amount of interest which should be excited in the history of other countries, it is not too much to say, that the wars and occurrences among European nations have been, to the inhabitants of the East, objects of as little importance as those of the African hordes are to us.

On the subject of their acquaintance with history, we should adopt a test which would enable us to arrive at a much fairer judgment. We should try them on those points which more immediately concern themselves, and the nations with whom they are, and have been, connected; and I have little hesitation in saying, that we shall find the native gentry of the East, particularly the Mahometans, fully as well acquainted with Asiatic history, as the educated classes of the West are with that of Europe. Indeed I believe I might go further, and assert that in some respects the superiority would be found on their side; and that, to a certain degree, they are better informed on the public transactions of Europe, than gentlemen in England are on those of the East. I say to a certain degree, because I limit my observations to the occurrences of their own times. The absence of a press, and other causes, have operated to prevent their acquisition of the knowledge of past European history; but I suspect that the name of Napoleon is much more known in Asia, than those of Nadir Shah, Hyder Ali, or Shah Zeman, are in England; yet the two latter were, at no very distant period, sufficiently powerful to excite considerable alarm among us for the safety of a large portion of our Indian empire. The transactions of Europe are as well, if not better, known in India than even those of the South American States are in England. We

may recollect the anecdote mentioned in the notes to Childe Harold, of Mahmood, a boy only ten years of age, the grandson of Ali Pasha, asking whether Lord Byron and his fellow-travellers were in the upper or lower House of Parliament; and Elphinstone relates, that on his stating at Peshawur, that no rebellion had occurred in England since 1745, one of the nobles of the court, Mirza Geraunee, remarked that he had forgotten the American war; and then enquired the reason why the insurance of ships should be raised so high by the success of the French privateers, when we had so manifest a superiority at sea? The fact mentioned by Heber is perfectly correct, that the leading events of the last war in Europe, particularly the victories of Buonaparte, were often known to the natives of Calcutta a fortnight before the Government received the intelligence; and that the same priority of information occurred on the occasion of the suicide of an English minister. Now as the news of these events must have travelled to India overland, through Persia and Ka-bool—for had it arrived by sea, it would have reached the English public at least as soon as the natives—it is idle to attribute to the latter either apathy or ignorance on the affairs of foreign countries. On the contrary, I think, were a fair examination instituted between the parties, it would be found that as much or more general information exists among the native gentry of India, relative to the affairs of Europe, as will be met with among the English on the subject of Indian politics, setting aside those immediately connected with the Government, or a few of those who have relations in India.

In science and in arms they are certainly at present very far behind the English, and some other European nations, but with others—the Spaniards and Italians for instance—it is probable that, on the whole, the comparison would not be unfavourable to the natives of India. Many of their amusements are pronounced by us to be childish, simply because they are different from our own. This is a point on which it is difficult to pronounce an opinion, as each nation will probably prefer their own; and to arrive at any conclusion, it would be requisite to lay down some rule on which judgment may be formed. If it

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be this, that an amusement ought to be productive of some improvement either to the mind or body, there are many of ours which will no more stand this test than those of the natives. We ridicule them for their fondness for flying kites, playing puchee-see\*, chewing pân, listening to story tellers, and many other modes of passing their time. It would probably be difficult to point out the superiority of billiards, card-playing, smoking cheeroots, and drinking gin and water, or the idle and unprofitable talk which too often passes for conversation. Much of the time of the military, and of some of the civilians, is spent in one or other of these modes.

Many people appear to look on the natives of India as a set of childish simpletons, and seem to be quite surprised at any trait of intelligence, or even of common sense, which they exhibit. The extraordinary stories and anecdotes which are related in illustration of this idea, and which are believed by many of the English, certainly do not speak much to their judgment or observation. The following is an example, which was current in Calcutta some years ago. A gentleman sent a basket of fruit, and a note, to a friend, by a servant, who ate some of the fruit by the way. The note mentioned the exact number of fruit which the basket contained; and the bearer was questioned as to the deficiency. A short time after, when the same man was again sent on a similar errand, before he ate the fruit, he hid the note under a stone; and when again taxed with his fault, was quite thrown off his guard, and observed, "how could the note tell tales? He did not see me when I took the fruit." The story was, I believe, of considerable antiquity, and had been handed down from one set of new arrivals to another. That such an occurrence might have happened in the West Indies, among the African negroes, is possible; but to relate such an anecdote of a people, who, though they are in many things both simple and superstitious, have known the use of letters for centuries; and of a country in which there is not a village which does not contain individuals who can read and write, was *un peu*

\* A game like the tetotum maps of English children. Pân is the leaf of the betel-vine.

*de trop*. It is introduced here as an illustration of the extent of knowledge which many of the English acquire, and an evidence of the proportion of attention which they deign to bestow upon the natives; for this story was related and believed by people who had passed several years in India; and I could mention several others of the same stamp\*.

Another striking feature among the English is, a disposition to detract from any merit which the natives do possess, and, if possible, to ascribe the credit of what they are compelled to acknowledge, to European agency and influence. Take, for instance, that beautiful building the Taj Mahal at Agra. All who are real judges, and unprejudiced, allow it to be perfectly unique; and it is sufficient to quote the words of Heber. "I went to see the celebrated Taj Mahal, of which it is enough to say, that, after hearing its praises ever since I had been in India, its beauty rather exceeded than fell short of my expectations." Yet I have heard several, who had not the slightest knowledge of architecture, and who had never bestowed a thought upon the subject, profess that *they were rather disappointed*; while even those who have sufficient taste to appreciate the beauty of this exquisite work of art, are very prone to qualify their admiration by attributing either the plan or the execution to Italian artists. Though it is possible that this may have been the fact, a moment's reflection will show that the improbability is great. The architecture of the building is of the same style that may be observed at all Muhammedan cities in Hindostan and Lahore; in Kabul and Persia; and totally different from any thing to be found in Europe, except where the Muhammedan power has been established in Spain and Turkey. Moreover, there are, in many cities of the East, buildings of a similar style of architecture, whose merit, though of a different nature, fully equals that of the

\* It is amusing to hear these stories and anecdotes spoken of by each succeeding narrator, as having occurred in his own time; occasionally the circumstances are stated to have happened under his own observation. I can, however, inform my readers, on the faith of assurances from men

of the last century, that a great proportion of these anecdotes were current in India, at least as far back as nearly sixty years ago; and that most of them are inventions of Englishmen of lively imaginations, to gull their newly imported countrymen.



Taj, and which, if they must yield to it the palm of beauty and elegance, far surpass it in grandeur and splendour; and in the erection of which we know that no Italians, or any other Europeans, could have assisted, as they were never domesticated in their neighbourhood. Under such circumstances, what is the rational conclusion, but that the Taj Mahal was solely planned and built by natives of the country. But, in our zeal for exalting ourselves at the expense of the people of the East, we overlook all this, and having learnt that some Italian monks resided at Agra, about the period at which the Taj was built, or even at an earlier date, and observed some tombs at that city with Italian names inscribed upon them, we at once jump to the conclusion that so rare a work could never have been designed by natives, but that they must have had the assistance of European artists.

The same spirit displays itself whenever Jyepoor is mentioned. The broad streets, and the regularity of the plan on which they are laid out, together with the beautiful site of the city, attract universal notice; and because an Italian is known to have resided under the protection of its founder, he, of course, enjoys the credit of having been the architect; yet the style of the architecture of the town and palace, and of the neighbouring palace of Ameer, is purely oriental. The regularity of the city, as justly observed by Heber, is to be attributed to its being the work of one sovereign, who laid down one regular plan; and the complete division of the city into different wards, is perfectly according to eastern ideas of having a separate ward for each tribe; and no more than what did, and to a considerable degree does still, exist in almost every town, and even village, in India. The chief superiority of Jyepoor, the breadth of its streets, may surely, without any great stress of the miraculous, be conceded to a native prince who was founding a new city. The observatories built at Delhi and Benares by the same sovereign, are generally alluded to in the same spirit; yet there is no difficulty in believing that such works might be the production of a people who not only knew how to calculate an eclipse, but who were in possession of this knowledge when our ancestors were clothed in skins, painted their bodies, and worshipped wicker idols.

The same disposition to depreciate whatever is of native production, and prefer that of European manufacture, may be traced in a variety of other instances, some of them of rather an amusing description. Innumerable articles of daily use are procured at a high price from England, or from some foreign country, which might be produced equally good in India, at much less expense. Indeed the whole of the eastern world seems sometimes to be placed under the ban. Some years ago, hardly any one in Calcutta would place upon his dinner table any but the plainest white English crockery ware. Even English China was objected to for fear it might be mistaken for real China, and not perceived to be of English manufacture. All the rich and beautiful materials for dress, which at home are so highly prized by ladies of fashion, are here noted "low and native-like," to use the identical vulgar expression which is adopted. To give an instance in point. A gentleman who had been for some time resident in Upper India, among other specimens of the productions of the country, had collected drawings of all the different descriptions of jewellery and ornaments worn by the native women. On a visit to Calcutta, in one of the first jewellers' shops, he observed that the ornaments of the newest fashion, which had been received from England, were in the Hindostanee style; and struck with the circumstance, he shewed his drawings to the jeweller, and offered to lend them to him for patterns. The jeweller thanked him, but declined the offer, observing that it would be useless to take advantage of it, unless they were first taken to England and executed there, in which case they would be considered fashionable, and immediately adopted here; but that otherwise no lady would think of wearing any thing in the native style.

We may observe a kindred spirit and tone of feeling to prevail in the attempts to account for any check or want of success which has been experienced in our military enterprises. When the different hordes of Pindarries for some time eluded the pursuit of the British troops; when the Goorkas repelled our first attacks; and when the slow progress which was made in the invasion of the Burmese territories attracted public attention, we felt that some explanation must be given. The intelligence or bravery

of the enemy, in some instances decidedly superior to that of our own troops, was seldom alluded to. Any hint as to deficiency of proper arrangements, on our own part, was scouted\*, and in order to prove that we were neither beaten, nor out-manceuvred, by *mere natives*, it was, in each case, generally asserted as a matter of course, that the enemy had some European leaders†. Yet, with regard to the Burmese and Pindarries, there was not the shadow of ground for such an assumption; and, with respect to the Goorkas, the only foundation for any such idea, was the supposed existence of an European in the Nipal territory, who never was even near one of their armies, but who was reported, by the natives, to be employed in one of their arsenals, in the manufacture of gunpowder.

As long, however, as this style of thought and opinion is current, it will be in vain to hope for any correct estimate of the people of India. The situation of the English in India, and the circumstances under which they enter the country, present considerable obstacles on their part to the formation of a true comparison between the character of the natives and corresponding classes of their own countrymen. But this at least is in our power; to divest ourselves from prejudice; to view the people with impartiality and benevolence; and to note carefully what we observe; giving at the same time the extent of locality and

\* The extraordinary neglect and inefficiency of the Commissariat, during the Burmese war, is notorious to all; and, indeed, has been published to the world, both in the public papers in India, and in one publication in England. Yet, to avoid the discredit that would attach both to that establishment and to Government, the business was hushed up here; and, when an inquiry was held, matters were so managed as to quash what might have proved offensive. The hundreds of lives, both English and native, which were sacrificed by the want of proper arrangement, was of minor consideration, compared with the bringing discredit on the Government, or those who had interest with the powers that be.

† It is quite amusing to observe the difference in the style of report adopted by generals, or other commanding officers, when they have been victorious, and when they have been beaten. In the former cases, the devoted and desperate bravery of the enemy, the strength of his position, and the excellent disposition of his forces, are largely descanted on—the inference being plain as to the superiority on the part of the victor and his troops, to have overcome such obstacles. When a general has been beaten, he then puffs his own arrangements, and the bravery of his own forces, and attributes his defeat to some unavoidable accident which it was impossible to foresee and guard against.

population over which our observation has extended, and the reasons which have influenced our opinions. This, at least, will enable others who are competent judges of European customs, to form a comparison between the natives of the east and west, with a greater prospect of fairness than any that has ever yet been instituted.

The great desideratum for judging of the people of India, and delineating their character accurately, would be a body of intelligent and well informed Englishmen of mature age, well acquainted with society in all its grades in England; men of knowledge, observation, and experience in the world, who had mixed in all classes at home, and in other European countries, with ample opportunities for noting the peculiar characteristics of each; and who should at the same time be free from that exclusive prejudice in favour of England and English habits, which has so often been attributed to our own countrymen in foreign countries, and which, in proportion to its existence, more or less disqualifies the mind from impartial observation or investigation. They should be prepared to treat with indifference the petty annoyances to which all travellers are exposed in a greater or less degree, on their first arrival in a country where every thing is so totally different from what they have been accustomed to; unimbued with prejudices either for or against the natives; but ready to observe, reflect, and form their judgment from what lies before them. They should possess a competent knowledge of the vernacular language; and make themselves familiar with the forms and etiquette of native society; having also sufficient leisure to devote to the subject. With these preliminaries, they should then mix as much as possible with the respectable natives, and take every opportunity, in their walks and rides, of conversing with the peasantry. But where, it may be asked, are such men to be found, and what probability is there of their enlightening the horizon of India? A few individuals have occasionally appeared possessed of the primary qualifications, but there was nothing in the object in view sufficiently attractive to induce them to undergo the drudgery of learning what was requisite after their arrival here; and they

have gone their round, and perhaps published a book on their return home, in which we may indeed find correct descriptions of scenery, costume, modes of travelling, and other superficial points, enlivened by entertaining anecdotes : while of the habits, thoughts, feelings, and opinions of the people, together with the causes which have influenced them, as little has been discovered as of the treasures of a mine into which the traveller has never descended, or of the very existence of which he has been ignorant, while amusing himself with gathering the flowers or weeds which cover the surface of the superincumbent soil. Both pleasure and profit may doubtless be gained from such an occupation, but he who wishes to gain a correct knowledge of what is below, must undergo the toil of descending into the mine, having first provided himself with the means and implements necessary to explore it. Of such men, one, and one only has hitherto appeared—Reginald Heber. Long may the people of India deplore his untimely death, and long I fear must they wait ere they see another like him !

We need not, however, wait for such another *avatar*.\* If young men on their first arrival in India will pursue the course above suggested, and continue to follow it up when after ten or twelve years' residence they take advantage of their furlough to return to England, the result of their observations will soon enable us to appreciate both our own countrymen and the natives of India ; and to form a proper comparison between the good and bad qualities of the respective nations.

Instead of this mode of proceeding, what, let me ask, has been the conduct too generally adopted by the English ? “ Drest in a little brief authority,” have we not arrogated to ourselves an entire and unyielding superiority over the natives of the country, and treated them with scorn, contempt, or haughty indifference ? Has not our Government been one of systematic extortion and injustice ? Have we not humbled their rulers to the dust, and deprived them of power, dignity, and self-respect, appropriating their wealth to swell the rent-roll of the British

\* Strictly an incarnation of the Deity, but in common parlance among the English, used to signify an extraordinary person.

Government\*? Have we not kept ourselves aloof from all but those whom necessity obliges us to communicate with—the lowest and the meanest of the people, in the capacities of servants or officials—or rather, has not our behaviour disgusted or alienated all others from holding intercourse with us? And with such qualifications and such recommendations to facilitate an acquaintance, we affect to judge of the native character, and to compare it with the only portion of the English with whom we have been brought into contact; a few selected individuals, who have every inducement that education and self-interest can give to exhibit themselves in the most favourable light! Lord Byron's remarks on the Greeks and their detractors are peculiariy applicable here. “Some of them actually boasted of the little intercourse which

\* The repeated assertions of the extortion of the British Indian Government may excite remark: it is however, impossible to say too much, or bring it to light too often, for the more acquaintance we acquire of the system, the more it glares forth in its deformity. Many instances in illustration have been given: two more are subjoined. It has actually been declared that all debtors are entitled to the benefits of the insolvent act, *except those confined by a collector for arrears of Government revenue*. A verbal technicality in the law has been taken advantage of to enable the British Government to commit this piece of injustice. See construction book as to the meaning of Regulations, published by orders of the Sudder Dewanee, Nos. XXIV. LXXXVI. CCCII. CCCXIX. CCCXXVIII. and CCCLXXII. the first dated September 20, 1806, the last December 31, 1824.

The next is as follows:—In the attachment of property in the execution of decrees in favour of individuals, a proclamation of the intended sale is to be made not less than thirty days before the sale takes place. All claims to the property attached are to be immediately investigated; and if proved, the property is to be released. See 1825, Reg. VII. Further, if the claim be disallowed, the order for the sale shall not be carried into effect

until the usual period for appeal shall have passed from the date of the order. Circular orders of the Sudder Dewanee, July 19, 1833. But when property is attached for arrears of revenue, no claims to such property are even to be investigated; it is (unless the arrear be paid, or security given, by the defaulter) at once to be sold, and the claimant may have his redress in a regular suit in the civil court, i.e. as has been repeatedly indirectly pronounced even by Government itself, shall be virtually denied justice altogether. See Con. Book, ut supra, No. CCCXLVIII. April 19, 1822. A legal quibble has here also been taken advantage of. Such is the difference with which the interests of individuals, and those of Government, are treated. Such decisions might have been expected from a conclave of “Crack Collectors” and “first-rate revenue secretaries,” but were unworthy of the judges of the chief tribunal for the administration of justice. These should have exhibited a little more independence and proper feeling, and if the Regulations did not admit of a construction consistent with justice, might at least have brought the subject to the notice of Government. But in many of their constructions they have assumed a greater latitude than would have been necessary in these cases to promote justice.

they have had with the Greeks, and yet presumed to give an opinion of them. One gentleman, Mr. Thornton, claims the public confidence on the strength of a fourteen years' residence at Pera, and a few voyages in Greek vessels in the Black Sea," which, as Byron justly observes, "would give a man as much idea of Greece, as a residence in Wapping, and a few cruises in a Berwick smack, would of the Highlands and the manners of the Highland gentry: others condemn the whole nation wholesale, on the same grounds that a Turk in England might do so; because he had been cheated by his lacquey, or overcharged by his washerwoman." So is it with the English in India. You may constantly hear individuals expressing their contempt for the *black fellows*, and declaring that they have such a dislike to them, that they have as little communication as possible with them; yet, at the same time, affect to be very good judges of their character;—and we have many Mr. Thorntons in India. In short, so far from having entered the *mine*, we have not even taken the best that the surface of the ground presented: the flowers have been too often neglected or trodden under foot; we have been annoyed by the thorns and the thistles, and we have accordingly pronounced the land to be barren and incapable of improvement.

But it is cheering to perceive that a better feeling is rising among us. We are beginning to know both ourselves and the people of India better than we did, and the nature of our Government is revealing itself in its true colours. When we have advanced a little further into the study, we shall discover that the difference between us is not so great as we have been accustomed to take for granted; and that, if the Hindostanees exceed us in some of their vices and follies, they are free from others to which we must plead guilty. Some of their laws and customs are of such nature that every friend to them, and to humanity, would wish to see them eradicated; but they have it in their power, unfortunately, to retort upon us, in points which we shall find it difficult, if not impossible, to answer. With what face can we declaim against the tyrannical acts of an oriental despot, so long as we retain the system of the impressment of seamen, a

system only rendered necessary by the inadequate remuneration for service given by the English government, and the ill treatment the sailors too often receive?—Nay, we need not travel to England for examples. Notwithstanding the eloquent declamation so often pronounced in favour of the British-Indian government, and against the “tyrannical barbarians” whom we have supplanted, the truth is at length forced upon us, that whatever might have been their situation under their former masters, we have not gained any superior favour, respect, or popularity in their eyes; but, on the contrary, are regarded by them with the strongest feelings of aversion, and that they would hail with joy the first opportunity of emancipating themselves from our yoke; so bitterly do they feel our oppression and injustice. Yet had this state of affairs been only hinted at a few years since, and had any one dared to warn our rulers of the precipice on which they stood, he would have been transported, without trial, to the utter ruin of his affairs. We point with horror to the mutilations\* and other barbarous punishments inflicted on criminals by the native powers, and we forget that we introduced a law into India, by which a man, whose sole crime was *misfortune*, might be imprisoned for life; his prospects entirely ruined; and his family reduced to beggary; to gratify the malice of a vindictive creditor†. Indeed, when we discuss the introduction of laws unsuited to the country and the people, what is to be said to the establishment of the Supreme Court, with its expensive paraphernalia, and the unjust extension of its jurisdiction over the whole of India, which has been assumed by the judges?—Put the matter home; suppose our African conquerors, so often alluded to, had established a court, of which the system of law was founded on the Koran, and the business conducted by the

\* Mutilations were common in England up to the reign of Charles I. and torture to extort confessions was regularly practised in Scotland in the time of Charles II. It was frequently inflicted by justices, and other local authorities, during the last rebellion in Ireland, and is not altogether discontinued in that kingdom even in the present day. The cruelties of the

Duke of Cumberland in Scotland after the “forty-five,” are notorious.

† Let it be remembered that, with the exception of those confined for arrears of revenue, such legal injustice and oppression could only be practised under the shadow of the Supreme Court and English law: it was unknown in the British-Indian provinces.



Muhammedan moolahs in the Arabic language, at ten times the expense of the most expensive court in England; that this court had been fixed at Rome, and that its jurisdiction extended over the British empire; that the salaries of the judges and officers attached to the court were fixed on the most exorbitant scale, for which the people of England were taxed to pay. Suppose also, that when we complained of the evils and injustice inflicted on us by such a court, we were taunted by the successive African judges who presided in it, and told that we were now enabled to obtain justice, which it was vain to hope for from our own corrupt and inefficient tribunals. This is not by any means an overdrawn comparison; it would be a precisely parallel instance to the introduction of English law into India; administered solely by the Supreme Court at Calcutta. And for what purpose was this piece of oppression inflicted on the people of India?—Mainly to procure at their expense some patronage for the British ministers.

The practice of Suttee may fairly be ranked with that of duelling; and till the latter is abolished among us, we have no right to pronounce on the former as a custom “peculiar to the barbarous and ferocious inhabitants of Hindostan,” the same feeling producing either practice in both nations, *i. e.* the point of honour, and the dread of ignominy. In honesty, if we are in some particulars superior to the natives, in others the English must concede the point to them. Falsehood and want of truth is justly attributed to them; yet, in certain cases, the latitude we allow ourselves is great; for solemn declarations *on honour* are falsely made without a man losing his consideration in society; while inaccuracy and exaggeration in common conversation are of so frequent occurrence, that it is become a proverb “only to believe half that is told you;” and “the difficulty of getting at the truth” is a complaint that is universal, not only in questions of *meum* and *tuum*, but on the most trivial subject that is agitated between parties of opposite opinions. In some points of outward decorum, personal delicacy, &c. the superiority must be awarded to the English; in others to the natives. When we tax them with practices which offend our notions of decency and propriety,

we must blush at the sight of a party of officers, sitting up more than half the night, singing the most profane and indecent ribaldry, and finally carried to bed by their native servants, in a perfect state of intoxication; while the very next day, before they have well recovered from their debauch, some of these very officers are sitting on a court-martial, to try and punish a poor private for having done no more than they themselves have been guilty of!

Such comparisons might be extended to a very great length, and would tend to lessen, in a considerable degree, the imaginary distance between the two nations; but this is not the system we adopt when contrasting our enlightened and superior selves with the despised and degraded natives. Every insulated instance of misconduct on their part, is blazed abroad with the utmost publicity, and inferences are drawn of the unfitness of the people to be trusted or employed; while a similar occurrence on the part of an Englishman is as much as possible hushed up\*, and all sorts of excuses are devised to extenuate his misdeeds. The following observations were made by a friend of mine, who has passed several years among the natives, engaged in mercantile affairs, and secluded from European society, in reply to some queries on the subject in 1829:—

“On the whole, however, I like the people, and do not think very ill of them. They are what formerly the absence of all law, and subsequently the abuse of all law, have made them, but I do not think they mean to carry their vices of falsehood, cunning, duplicity, and dissimulation, beyond self-defence; and I should be sanguine of a great general improvement from their more frequent communication with men who had found out that ‘honesty was the best policy.’” And again, in the present year, he writes,—“I like the people, but I am afraid I must admit that their bad qualities predominate. It is scarcely possible it

\* The frequency with which misconduct on the part of civil and military officers, provided only that the natives alone suffer, and that it does not affect Government in a pecuniary point, is passed over, in order not to

bring discredit on the British name in India, is disgraceful; but I am glad to see that a rather higher tone of morality than was exhibited a few years back, is beginning to appear.

should be otherwise.”—“ The native is, I am afraid, bad ; but I readily allow he is what his situation has made him, and, as I said at the beginning of this letter, after all, I like him, and, indeed, place more confidence in him than I do in the majority of my own countrymen. This seems somewhat in opposition to my opinions ; but the fact is, I have a high opinion of their fidelity, if one goes the right way to secure it. Donald Bean would not have minded breaking any ordinary oath to oblige the clergyman who attended him at the gallows ; but having sworn on the edge of his dagger, Rose Bradwardine’s secret was inviolable. So is it with the native ; secure him after his own fashion, and you may rely upon him ; and, by the by, to judge him fairly, we should be animated by the feelings which influence him, and not by those which our different habits and education have created.”

That the natives have faults, I readily admit ; and that, as a nation, they are inferior to the English, I also allow ; but what I wish to inculcate on my readers is, that the shades which mark the superiority of the one, and the inferiority of the other, are neither so distinct, nor so broad, as we have generally supposed ; and that, until we have learnt to bring them nearer to the eye, and to compare them more minutely, our system of government can never rest on a secure foundation.

In a paper of this nature, some observations of a general nature might be expected, on the prevailing features of the native character ; but among a people so varied, and dispersed over so vast an extent of country, subject to such infinite diversity of climate, customs, and habits, it is extremely difficult to describe any striking characteristic as common to the whole race. In reading lately some accounts of the Spaniards, I have been much struck with the great resemblance which they are said to exhibit in some points to the natives of this country, particularly in their habit of boasting, love of procrastination, and dilatory proceedings, and in their natural civility and politeness. The character of the two grand divisions of Hindus and Moosulmans, and many of the sub-divisions of each class, is, in many things, so radically different, that observations on a comprehensive scale can hardly be framed so as to present a correct picture. One

grand distinction is religion; their degrading superstition, and abominable and absurd system of idolatry, added to the immorality of certain descriptions which it tolerates, have a tendency to render the Hindus an inferior people to the Muhammedans, whose code of morality is, in many points, pure and correct, being principally taken from our own Scriptures; yet, strange to say, in practice, the difference in the effect produced by the two systems on the conduct of the respective votaries is much less than might have been supposed (a remark which I fear will apply but too well to the profession and practice of Christianity; or, indeed, of any other religion that imposes restraints upon the mind or body of man). The most universally prevailing feature, and one which will, perhaps, be applicable equally to both classes in India, is a deficiency in truth,—a want of exactness in their ideas and habits of estimating and defining, a dislike to trouble or exertion of any kind, and the love of procrastination. Elphinstone observes of the natives of Persia and India, that “a man of the first nation seems incapable of observing anything accurately; and one of the second, of describing it truly: but I am inclined to think that both remarks are equally appropriate to the people of India of all creeds, ranks, and classes. The origin of most of their faults, I suspect, may be traced to indolence; and, with regard to procrastination, they seem too often to resemble the Spaniard in never doing anything to-day which can by any means be postponed till to-morrow; and any one who has any transactions with them, will have his memory as well impressed with the “*hojaega*” and “*dekha chahie*,” (Anglice, “We will see about it,”) so constantly used, as he who deals with the Spaniards will remember the “*mañana*” (pronounced *man-yana*, “to-morrow,”) of procrastinating indolence.

And here the question may be with propriety proposed,—What is the best mode of improving the moral character of the people? But first let me inquire, what have the English done or attempted towards this desirable end? Education, and the endeavour to inspire them with a higher tone of principle, will undoubtedly be the surest means to be adopted; but a long period must elapse before this will accomplish the object in view; and we should

endeavour to discover whether, in the mean time, a judicious application of legal enactments, a better system of administering the affairs of the country, and a change in our own conduct, will not prove great auxiliaries. Mortifying as it may be to our vanity and self-love, it is notorious to all who mix with the people, and, indeed, generally allowed by almost every Englishman in India, that the more the natives have been brought into contact with the English, the more has their character deteriorated. Immorality and crime have increased; and many vices adopted from which they were formerly free. Of the efficacy of education, it is needless to descant, unless one could entertain the hope of rousing the Government to a proper sense of its duties on this head; and the legal enactments which may be suggested, may more appropriately be introduced under each subordinate head which will be discussed.

Some general remarks on the tendency of all English legislation to enact extremely severe penalties, will not be out of place, for though our British-Indian code is much milder than that of England, the pernicious principle has been too much introduced into our Indian laws. Some people advocate severity of punishment as the panacea for the prevention of all crimes. Provided we could ensure the detection and punishment of every offender, or even of a considerable majority, the plan would in the end be productive not only of benefit to the community, but be one of compassion to the evil-disposed, who would thereby be deterred from the commission of crime; but as the English police-arrangements (which term I here use, in an enlarged sense, to signify any plans for the prevention of crime) have hitherto been very deficient in this respect, I should be rather inclined to draw the attention of those who administer the affairs of the country to this point, and ordain only a moderate punishment. When this becomes pretty certain, should crime not decrease, it will then be time to increase the severity of the penalty. In thefts, for instance, suppose that the police could be brought to that perfection, that every thief was *certain* to be discovered, and the whole amount of the stolen property certain to be recovered within a day or two after the occurrence. The restitution of the stolen property, accompanied

by a very slight fine on the thief, would be quite sufficient to deter any one from committing this crime. Indeed, were such certainty attained, it is probable that the mere restitution would be sufficient, and that not a single theft would ever be committed in the country in which the police was so efficient; while, on the other hand, to annex the penalty of death, indiscriminately to every theft, would not effect much towards annihilating the crime, if police-arrangements were so lax that few criminals were discovered. It is almost needless to advert to the numerous instances in which severity of punishment has defeated the object intended; the reasons for which are various. In the first place, unless the police-arrangements be improved, this result is certain, inasmuch as the criminals are more on the alert, and take greater precautions to prevent discovery; and consequently detection becomes much less frequent than before. Then, again, judges and juries are more lenient; witnesses hesitate in giving positive evidence; and prosecutors often decline to come forward; all actuated by a laudable feeling. The two former observe that the punishment to which the prisoner, if found guilty, will be subjected, is so severe, that he ought to be allowed every chance of escape; and the latter have frequently given as their reason, that they could not reconcile it to their consciences to be the cause of inflicting a penalty so much more excessive than the crime deserved. It is also an observation founded on experience, that in whatever country punishments are inordinately severe, there the police is proportionably lax. Finding crime increase, instead of going to the root of the evil, ignorant or careless legislators have contented themselves with enacting an enhanced punishment, and have been surprised to find that their object has entirely failed. Indeed an over-severity of punishment has not seldom been the lamentable cause of producing worse crimes. A man who is perpetrating a minor offence, to which an over-severe punishment is attached, will, if he be in danger of discovery, be guilty of murder to prevent such a chance.

This axiom has, at length, after several centuries, begun to be understood in England, even by the lawyers; and, of late, great attention has been given to the improvement of the police, while

the punishments for a variety of crimes have been lessened,—and with good effect. In India, where we are not hampered by English law, and the prejudices of English lawyers, the discovery was made in a much shorter time. For several years, the general feature in the criminal enactments has been to lessen the punishment prescribed to various crimes, and to render the cases cognizable by the subordinate tribunals. At first, all but the most petty cases were committed for trial at the sessions. The punishment for simple burglary was, at one time, no less than fourteen years' imprisonment. It was then reduced to seven; and, in 1818, made cognizable, when unaccompanied by aggravating circumstances, by the magistrates, and often punished by only one or two years' imprisonment. Gang-robbery cases were, formerly, referred by the circuit judges to the superior court (Sudder Nizamut), and the punishment was death, or imprisonment for life. Since 1825 (Regulation XVI.), this crime, if unaccompanied by aggravating circumstances, may be punished by the sessions' judge by as little as seven years' imprisonment. Formerly, all cases of affrays or boundary disputes were committed to the sessions: at present, minor cases are cognizable by the magistrates, with a maximum punishment, not exceeding one year's imprisonment. Several other instances might be adduced, in all of which I believe the beneficial effect has been the decrease of crime; at least, it is reasonable to infer this, since a greater number have been punished than formerly. I should like to see the same experiment tried with regard to forgery and perjury.

I have before alluded to one means of checking this, and, indeed, many other crimes and evils; that is, a more frequent communication with the people, and a better acquaintance with their character and modes of thinking; and more particularly is this knowledge requisite with respect to those individuals with whom we are constantly brought into official contact. One of the best modes of ensuring this, would be frequently to make local inquiries and investigations in particular cases. A very different result will often ensue from an investigation so conducted, compared with what would have been the case, had it been carried on in court. Our courts and public offices are held

in such abhorrence by the people, as the hot-beds of villany of every description, that it is the endeavour of every respectable person to avoid the contamination of any connexion with them. The very nature of the people seems to be changed when they come within their atmosphere; and almost all who do come, are under some influence of fear, force, fraud, or their own bad passions, which seems to transform them into totally different beings from what they are in ordinary circumstances. In a local inquiry the very reverse occurs. The people are, in the first place, taken unawares; and even if inclined, have not time to prepare a story. Seated on the village *Chubootra*\*, one is immediately surrounded by the most respectable of the inhabitants, who will readily communicate the knowledge they possess; while those who might be inclined to conceal the truth, feel themselves under the eye of all whom they are accustomed to respect, and whose good or bad opinion is a matter of considerable importance, and know that should a misstatement be made, it will be immediately checked, and pointed out by some of the numerous assembly. I appeal to all those who have ever made the experiment, provided they have possessed some knowledge of the people and language of the country, to corroborate the assertion, that one half-hour's local inquiry will produce a more correct knowledge of the facts and truth of a case, than is usually acquired by days, or even weeks, of investigation in a court or office, situated, perhaps, from twenty to fifty or seventy miles from the scene of action.

If this mode of proceeding were more frequently resorted to, our British functionaries would not lie under the stigma of being too stupid to discover what every clown in the village knows, or of having shared in the bribes which have been given to obstruct the cause of justice: and, mortifying as the idea may be, this is undoubtedly the character we too often bear among the people over whom we are placed. In every district there are people whose chief livelihood arises from giving evidence in favour of

\* Chubootra, a sort of raised platform, constructed either of earth, masonry, or timber, in almost every village in India, on which the heads of the community meet to discuss any business of general interest to themselves.



any who will pay them. These people are notoriously known to the native public; yet the British functionaries remain totally ignorant of their persons, or even of their existence. How can the people believe us in earnest in our professed detestation of falsehood and perjury, when they see such proceedings, and entertain such opinions of us as those which I have above mentioned? But how, it may be asked, can such local inquiries be conducted under the present system, when every office is so overloaded with business, that to get through it in the hurried and unsatisfactory manner so often described in these papers, is all that can be expected: and when the system adopted regarding the subordinate native functionaries to whom inquiries and investigations might be intrusted, is to give salaries often literally and utterly inadequate for subsistence, so that they are compelled by necessity to use their official power as a means of extortion and corruption? From men educated in such a school, I grant that little honesty is to be expected; but I do not, therefore, draw the conclusion that the natives are not only unfit to be trusted, but incorrigible. When the same liberal policy shall have been adopted towards them which has been introduced in the case of the covenanted civil servants, we shall then have an opportunity of estimating their characters with some impartiality, and it is probable that a very different order of affairs will then appear.

Indeed, so much stress do I lay on the freedom of intercourse between the English functionaries and the people over whom they are placed, that I am convinced no man will ever be a good public officer who does not adopt this system; I mean with reference to the interests of the people; for, unfortunately, it is very possible to acquire a high character with Government, though the individual who has gained it is the object of detestation to every class of men in his district, and though he has rendered the British name a by-word for tyranny and extortion. A man might become a "first-rate collector," and yet be extremely ignorant of the country and the people. Indeed, in charity it is to be hoped, that this is generally the case; for any one who was really acquainted with the state of affairs, and the

deplorable poverty and wretchedness which exists, must have a heart steeled against the common feelings of humanity, and ready to execute the most severe and oppressive measures, to entitle him to such an appellation. Had they not been ignorant, some, at least, of these "crack revenue-officers" would have felt some compunction, and most probably have relaxed a little in their extortions, by which their names would not have been so highly on the list of efficient Government servants. In the present day, some knowledge is requisite to form a first-rate collector, for the greater poverty of the people renders it much more difficult to discover funds for taxation. And here we should be cautious of attributing more blame than is justly due to the subordinate officers of this department. Many of them are driven to obduracy, and compelled to shut their eyes to the misery and impoverishment which they inflict; and they are only instruments in the hands of their superiors, to whom they must render the full measure expected, or lose their situations. Many of the "crack collectors," however, have gratuitously adopted means to acquire this title; and some have even solicited to be employed in settlement-making in other districts than their own, in the hopes of promoting their advancement\*.

When the English shall have mixed more with the people, and acquired a knowledge, not only generally, but to a considerable

\* One of this description of officers has been heard to boast, that he would make such a settlement (or, in plain English, raise the rents to such a pitch of extortion, by forcing the farmers to agree to pay them,) as no one else ever did, or would do again. He did as he said, but forgot that it would be one, the rents of which no one would ever be able to realize, as the result proved. The discredit of being unable to collect the Government revenue he calculated would fall upon his successor, and that he should have established his name as an efficient officer, and have left the district before the ruin to the people, and ultimate loss to Government, from attempting to extort more than the country could possibly yield, should be discovered. Another declared that if the people would not consent to pay

the rent he demanded, he would make the province a *grazing ground*, sooner than allow them to cultivate their own lands at a lower rent.

It is, indeed, the constant boast of these officers how much they have raised the revenue; that is, extorted from the people. To show the little regard for the people which the being engaged in such proceedings engenders, and the pitch to which their anger can be carried at any opposition to their will, the following may be mentioned. A collector was heard to boast that, under cover of some Regulation, he had caused a fine mango-grove to be cut down out of revenge, because the proprietor had quarrelled with his servants about the sale of some fire-wood.

degree of individual character, of those over whom they are placed, they will be able to add the weight of their private to that of their official demeanour, which would greatly increase their influence. It has often been urged against the natives of India, that their scale of morality is so low, that they attach no disgrace to successful villany,—that men guilty of the greatest atrocities and the basest crimes maintain an unimpaired station in society, and are rather courted than shunned by their equals and inferiors, from admiration of their ingenuity, or fear of their hostility. A case has just been brought to my notice, where an individual, by some fraud, got possession of an estate, and kept the owners out for many years. A suit was, at length, brought forward, and the defence set up was a pretended deed of sale, which was, however, discovered, and judicially declared a forgery. Yet the guilty person is as much courted by his native acquaintance as ever, and, I am ashamed to say, with one exception, treated with the same familiarity as before by the English functionaries, even by the man whose sentence declared his villany

There is, I grieve to admit, too much truth in this state of feeling; but I cannot allow that it is universal; and it unfortunately tells as much in discredit of the English as of the natives. It is true that men, whose evil courses are successful, too seldom meet with any change in the behaviour of their countrymen, which should mark a reprobation of their conduct; but, to our shame be it said, they find as little among the English. Natives who are discharged by one functionary, for the most infamous conduct, are often employed by his successor with as little hesitation as if their characters were fair and respectable. I could quote cases of native officers who had been guilty not only of receiving bribes and extortion, but of forgery, who were, notwithstanding, appointed by civil functionaries, who were perfectly aware of their characters, to situations in the collection of the revenue. And what was the reason? In some cases, it may be attributed to the constant change of the European officers, and the consequent ignorance of the characters of those whom they employed; while the little intercourse they

had with the people prevented their acquiring this knowledge; but in the cases to which I allude, it was done with full knowledge of what had occurred, and of the characters of the parties. In some instances, the British functionary professed his conviction that all the natives were equally bad, and that the individual in question was no worse than the rest; and in others it was observed that, although he might be a rascal, yet he was an excellent revenue-officer, and contrived to levy the Government taxes to an extent that no other had been able to do.

Besides, in forming an estimate of the people, we ought, in fairness, to take into consideration the state of society, and the feelings which exist among them. In some parts of the country, *dakoitee*, or plunder by banditti, is not looked upon as a theft, but as a lawful and spirited excursion, just as a foray was considered in days of yore on the borders of England and Scotland. The very man who would boast of such an exploit, would scorn to commit a theft; and the inhabitants of a village who would not join in any affray upon a dispute with their neighbours, would be despised just as a man would be, among the majority of English gentlemen, who submits to an insult without calling for an apology, or the alternative of a duel. I do not defend this state of things, and should rejoice to see them eradicated, and it is to be hoped that better feelings will gradually prevail, both among them and ourselves; but in estimating the character of any people, it is but fair to view the subject in all its lights and bearings.

The English, however, cannot plead an imperfect code of morals, a perverted sense of right and wrong, or an ignorance of their duty, to extenuate the fault which is complained of. In proportion to their superiority in all these respects over the people of India, a higher tone of feeling and conduct must undoubtedly be expected from them, and a corresponding severity of judgment must attach to their misconduct. It is with a view to remind my countrymen of this, and not to cast any additional stigma on the individuals themselves, that I would call their attention to the many instances of the grossest dishonesty, immorality, and general want of principle, which must be familiar to

their recollection, to which, in some cases, little or no public expression of disapprobation was awarded, and which in no degree affected the general reception of the offenders in the society of their peers. Have we not seen the successful libertine received with smiles and attention, particularly if the character of a duellist be added to the catalogue of his recommendations? The man who has cheated his friend or acquaintance in the sale of horses equally honoured, provided he keep within certain limits? Is the civil officer, whose infamous neglect of duty occasions the ruin of hundreds, and the oppression of thousands, made sensible of his misconduct by any change in the behaviour of his countrymen towards him? Mr. Ravenscroft, in plain English, stole two hundred thousand rupees out of the Government treasury. Not long since, a civil functionary of high rank was convicted of bribery and corruption to the most shameful degree. Several others have, at various times, been proved guilty of the same; and others, though legal proof may have been deficient, are known to have left their situations in the possession of a much larger sum than the whole of their salary accumulated would have amounted to, although it was notorious that they were not only penniless, but in debt, at the date of their appointment. Some of these have been publicly dismissed the service; yet has any one of them been made to feel, by the conduct of their friends and acquaintances, that they were degraded members of society? No!—to our shame and disgrace be it spoken.

In consequence of the disclosures caused by the late failures at Calcutta, was it not proved that one of the houses of agency had, for a considerable time previous to their insolvency, invested, in their own name, in the Government securities, money which had been transmitted, to be expressly invested in the names of those by whom it was sent? For what earthly purpose could this have been done, but on a systematic and deliberate intention to make use of the amount for their own benefit, or, in plain English, to embezzle it, should the difficulties of the house render such a course expedient? God forbid that I should even appear to trample on misfortune. I am the last man to adopt

such a despicable course; but there is a vast difference between misfortune and fraud; and the transactions alluded to are neither more nor less than robbery of the worst species,—robbery under trust,—robbery by which numerous widows and orphans have been rendered destitute. Yet are the partners of the firm who were guilty of such conduct, in any way shunned by society? No!—to our shame and disgrace again be it said; they are received on the same footing that they were before.

Yet we presume to taunt the natives of India with their debasement, in not marking their abhorrence of crime by excluding the guilty from their society. Let us first cast the beam out of our own eye; and when we have practically shown them that our code of morality is better than theirs, we shall then be entitled to boast; and, in time, may be able to convince them of its superiority.

*October 25th, 1834.*

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## No. XLII.

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### ON THE CHARACTER OF THE PEOPLE, FALSEHOOD, FORGERY, PERJURY.

THIS is one of the features of the people of India, which has attracted the attention of all who have ever had any dealings with them. The accusations to which they have been subject, for their want of truth, have been universal; and their best friends must allow that these have been too well founded. Although there are, undoubtedly, some exceptions, yet it may be affirmed of the nation at large, both of Hindus and Moosulmans, that “truth is not in them.” The slightest motive of self-interest is generally sufficient to induce a native to say what he thinks will best promote it, without regard to the accuracy or inaccuracy of his statement: often, indeed, are we disgusted with hearing them utter falsehood, without any conceivable motive being apparent for so doing; and it is a common remark among official men,

that a cause is frequently lost, and a criminal prosecution has failed, from the improbabilities and even impossibilities which are sworn to ; whereas, success would have been complete, had the parties concerned merely related the simple truth.

This is certainly a serious charge to bring against the character of any nation, in the mass, and will require to be impartially discussed. And, in the first place, it should be considered that a very broad line must be drawn between a wilful falsehood or fabrication, and an unintentional deviation from truth. We must also bear in mind the great difference of ideas on the subject which exists in the minds of the natives of India, and those which prevail among the English ; and due allowance should be made for this difference, instead of a rigid adherence to our standard.

Under the first head, must be placed their proneness to exaggeration, even in the commonest affairs of life ; and in matters which are not of the slightest importance. Figurative language and amplification in the extreme, have long been the characteristics of oriental nations. Thousands and millions are words of common use, to signify a considerable number : a man who has been struck, generally represents himself to have been nearly murdered : he who has been defrauded of a few pence, usually asserts that he has been plundered and ruined beyond redemption : another, who is seeking for employment, states himself to be your humble slave, ready to follow you to the world's end, and to lay down his life in your service : and so on. Those who make use of these expressions, by no means intend that they should be taken literally ; they are mere words of course, and are understood as such, by all who are acquainted with the character of those by whom they are adopted\*.

But the evil consequences which this laxity of speech engenders, is a far more serious question than the intrinsic evil of a few hyperbolical expressions. Those who are in the habit of using them are too apt to lose sight of truth altogether ; and when any point arises in which their own interest is concerned, constantly make the most extraordinary exaggerations, and the grossest mis-

\* The lower classes of Irish very much resemble the Hindostanees in this respect,

statements, that can be well conceived ; of a nature too, which has a material effect on the point at issue. They seem to entertain a notion, that such a practice is necessary to ensure their being attended to, and that in order to obtain ten, it is best to begin by demanding a hundred,—a practice, by the way, by no means unknown to the dispensers of that law, which they would have us believe is the perfection of human wisdom. English lawyers, either in framing a criminal indictment, or in bringing an action for damages, seem to have as good a notion of this mode of proceeding, as any class of natives of the East.

The effect which the governments of oriental nations have had on the minds, morals, feelings, and habits of the people, is not generally taken sufficiently into consideration in our attempts to form an opinion regarding them. A pure despotism is not the most favourable state for developing the better qualities of human nature; and, where this exists, many a man, even a superior man, who naturally professes, and would practise, a high tone of morality, is driven, in self-defence, to say and do many things at which his mind revolts. Can it, for instance, be supposed that the English merchants in the interior of India have any predilection for a system of giving bribes and douceurs to the native officers of our courts? Setting moral feeling aside, can it be imagined that they would not prefer a system by which justice should be attainable by fair and open means? and that they would not be glad to avoid the expense which this bribery entails upon them? Yet they are compelled, by imperious necessity, to have recourse to such proceedings, because a refusal to pay those exactions to a set of officials whose extortions are virtually sanctioned, would cause great injury to their concerns. If the English merchants are driven to such practices, how much more must it be the case with the natives? And when men have long been habituated to such measures, and have been forced to pay bribes in order to obtain their just ends, is it to be wondered at, if their minds and feelings become so changed, as to induce them occasionally to offer a bribe, to secure an unjust advantage?

The people of India possess not only a laxity of morals and of speech, but of ideas, which leads them to treat as venial, or even



to attach no sense at all of criminality to actions which, in our estimation, would be viewed in a very heinous light. I have not unfrequently known a man come forward as a witness, and swear to having witnessed facts, of which he was perfectly ignorant, as far as his own observation went. The real person was absent, from illness, or some other cause; and those interested had brought a substitute, who had been duly tutored, as to what points he was to testify. I have even known instances, when some one present has pointed out the substitution of the attending person for the real witness, which the former has at once acknowledged, observing, "True enough: my real name is B.—A.; whom you summoned, is my brother (or cousin, &c.), he is unable to attend, but I have often heard from him the facts of this case, and am just as well able as he is to tell you about them: he desired me to attend in his stead: what more do you require?" On one occasion, an English merchant had a cause called on, and a most material witness was absent. A native friend of his, who was of the same name as the absent witness, chanced to be in court: he immediately stepped forward, swore to the execution of the document on which the suit was founded, and a decree was accordingly given: when he next met the merchant, he incidentally mentioned the lucky contingency which enabled him to do this piece of service, without taking particular credit to himself, and seemed quite at a loss to understand some observations which his remark elicited from the Englishman. "What," he exclaimed, "have I acted improperly? It is true I did not see the bond executed; but I perfectly well know that the money is due to you, and the effect of my evidence is not to do the other any injury, but to promote justice: he owes you the amount, and ought to pay it."

Another extraordinary notion entertained by many of the natives of India, when summoned as witnesses by a particular person, is that, if they consent to give evidence for him, it is their bounden duty to swear to anything and everything which may tell in his favour, or in any way promote his interest; and, if possible, not to divulge anything which may be turned against him. On one occasion, the merchant just alluded to had a suit

in court, in which a Brahmin pundit was a witness. He had given his evidence clearly and satisfactorily, for it was a plain, straight-forward case, when the judge asked an immaterial question, on a point of which he knew nothing: he swore, however, without hesitation, to the fact. On the merchant's asking how he could think of doing so, and pointing out, moreover, that it was a gratuitous falsehood, for it could not bear upon the issue of the trial, he observed, that "this occurred to him at the moment, but that as he had not time to reflect upon the judge's object, he thought it best to act as he had done, for fear the non-establishment of that point might prejudice the suit; that no one had been injured by what he had done; and that, although strictly speaking, he had deviated from the truth, the fault was so venial as scarcely to deserve the designation of a lie."

I recollect another instance, in which, after a witness had given his direct evidence in favour of the prosecutor, on cross-examination some facts were disclosed which tended greatly to exculpate the defendant from some suspicions of fraud, without, in the slightest degree, injuring the cause of the person on whose part he had been summoned, and which were of a nature to have been embodied in the evidence he had previously given. To the question, "Why did you not mention this at once?" the reply was,—“I am not C——’s witness. I am summoned on the part of the plaintiff.”

From these and numerous other anecdotes and instances which might be adduced, it is obvious how much knowledge of the native character is necessary to enable us to know how to treat them; how far we may rely on what they say; what is the best mode of eliciting the truth; how imperative it is that those who are placed over them in the situation of judges and magistrates, should acquire this knowledge; how much the difficulty is increased when these officers are foreigners; and how unfit those must be for these duties, who seclude themselves from the people, and hold no communion with any but those with whom they are brought into official contact! The following remarks of Johnson on the Highlanders, are extremely applicable to the people of India:

“Many of my subsequent inquiries upon more interesting topics ended in the like uncertainty. He that travels in the Highlands may easily saturate his soul with intelligence, if he will acquiesce in the first account. The Highlander gives to every question an answer so prompt and peremptory, that scepticism itself is awed into silence; and the mind sinks before the bold reporter in unresisting credulity: but if a second question be ventured, it breaks the enchantment, for it is immediately discovered, that what was told so confidently, was told at hazard, and that such fearlessness of assertion was either the sport of negligence or the refuge of ignorance. If individuals are thus at variance with themselves, it can be no wonder that the accounts of different men are contradictory. The traditions of an ignorant and savage people have been for ages negligently heard, and unskilfully related: distant events must have been mingled together, and the actions of one man given to another. These, however, are deficiencies in story for which no man is now to be censured: it were enough, if what there is yet opportunity of examining were accurately inspected and justly represented; but such is the laxity of Highland conversation, that the inquirer is kept in continual suspense, and, by a kind of intellectual retrogradation, knows less as he hears more\*.”

And again:—“He that goes into the Highlands with a mind naturally quiescent, and a credulity eager for wonders, may come back with an opinion very different from mine: for the inhabitants, knowing the ignorance of all strangers in their language and antiquities, perhaps are not very scrupulous adherents to truth; yet, I do not say that they deliberately speak studied falsehood, or have a settled purpose to deceive. They have inquired and considered little, and do not always feel their own ignorance. They are not much accustomed to be interrogated by others, and seem never to have thought upon interrogating themselves, so that if they do not know what they tell to be true, they likewise do not distinctly perceive it to be false†.”

Another remarkable feature in the character of the people of

\* Johnson's *Tour of the Hebrides*, p. 111.

† *Ibid.* p. 272.

India, is, the inaccuracy of their memory; and the little attention they pay, to matters on which we are accustomed to lay considerable stress. Certain prominent facts usually remain well impressed on their minds, but in the detail, their want of observation, or of recollection, is very remarkable. The following observations of the judge of circuit in the Rajshahy division in 1808, are well worthy of note. "Every day's experience and reflection on the nature of our courts, and the minds and manners of the natives, serve to increase my doubts about our capacity to discover truth among them. It appears to me that there is a very great deal of perjury of many different shades in our judicial proceedings; and that many common rules of evidence would here be inapplicable and absurd. Even the honest men, as well as the rogues, are perjured. The most simple and the most cunning alike make assertions that are incredible, or that are certainly false. If the prosecutor, in cases of dacoity\* was always to be disbelieved, because there was perjury, scarcely a dacoit would be convicted. By cross-examination you may draw an honest witness into as many absurdities and contradictions as you please. It is not easy to detect the persons who come forward as eye-witnesses in cases of dacoity: their story is all true, but one point,—the identity of the persons whom they accuse; and how can you discover whether this be true or false? Some witnesses are loquacious, some taciturn; some frigid, others over-zealous; some willing, others unwilling; some bold, some timid; some scrupulous; some come to give false evidence in favour of a friend or a master, some to ruin an enemy; and the signs of the different modes that disguise truth are so very equivocal, and often so unintelligible, that nothing can be depended on. There is not one witness in a dozen on whom you can rely for a purely true story. It has very often happened, that a story which, by attending only to the plain, direct course of things, I believed to be true, has, by examining into matters, apparently connected in a very distant degree with the case, turned out to be entirely false. I am afraid that the evidence of witnesses in our courts is

\* Gang-robbery; *dacoit*, or *dakoo*, a bandit

for the most part an instrument in the hands of men, and not an independent, untouched source of truth\*.”

Times, seasons, dates, even to the month or year, are often stated with the greatest inaccuracy. An event that happened two or three months back, will, by different witnesses, be described to have taken place at various times from one to twelve months previous. A variation of as many years will often be given to the date of an event which happened one or two years before; and all this, too, in cases in which the people have not the remotest idea of telling an untruth: the discrepancy arises from that want of thought and of the habit of reflection, which is one of their strongest characteristics. Hardly a native in the country, whether Hindu or Moosulman, educated or uneducated, can tell you precisely his own age, or even that of his children, without consulting his family priest or private memoranda. In the Himalayah mountains, the people are still more ignorant than in the plains, to an extent which is scarcely credible by an Englishman. They have literally no conception as to time and space. With regard to time, they have certain eras to which they refer; these are commonly the periodical twelfth-yearly grand fair at Hurdwar, called the Koomb Mela; to which, at the present day, they add the Goorka invasion, the British conquest, and the year in which the cholera was so destructive, which is emphatically called “the year of death;” a famine, flood, or other general calamity, would give another era; all that can be usually ascertained is, that certain transactions occurred before, or after, one of these periods. A man will often describe an occurrence as having taken place a year ago, which, when you come to refer to one of these eras, you find to have happened twelve or even twenty years previously. An event will often be said to have occurred “*purson*,” (literally, the day before yesterday,) of which the real date was a year or two before. Nay, to an occurrence of a considerable time past they will apply the term of “*purson pfunda*,”—of which the best translation I can give is, “yesterday a long way off.” With respect to distances, their ideas are equally lax: of anything like a measured distance in *koss* (miles), they

\* See App. to Fifth Report, p. 589.

have not a notion: the expression usually is, "a day's journey," or "half-a-day's journey;" under which a distinction is drawn for a loaded man, or a messenger\*.

It is obvious that it must be out of the question to expect from a people of such vague and inaccurate ideas, that exactness in giving evidence and describing transactions which we are accustomed to think necessary. The very attempt to exact it, only bewilders them still more, and renders the inconsistency of their testimony still more irreconcilable. To make any progress, we must learn to give up our own preconceived notions, make ourselves acquainted with the character and peculiarities of the people with whom we have to deal, and accommodate our mode of conduct accordingly. For instance, an English judge would frame a question as follows:—"Were you, on the 15th April, last year, about ten o'clock in the day, at such a place, in company with such an one?" The prompt reply from an Englishman would commonly be, "I was;" from a Hindostanee peasant it would probably be, a repetition of some part of the question, followed by "I am a poor illiterate man, Sir, I know nothing about it."—the only way to extract evidence at all, so as to afford a chance of its being satisfactory, is to say, in a mild, encouraging tone of voice, "Well, my friend, what do you know about the matter?" To let the witness tell his own story in his own way, even at the risk of a little prolixity; and then putting questions to him on those points which require further elucidation.

It has been truly observed, that by cross-examination you may draw an honest witness into as many absurdities as you please; although, on the other hand, they sometimes doggedly stick to one point, and profess ignorance of everything else that can be asked. But this is, in some measure, to be attributed to the extraordinary notion before alluded to, so prevalent among the

\* The difficulty of seeing and observing correctly, is not, however, confined to the natives of the East. After the battle of Aumale, in which Henry IV. of France was wounded, he inquired from the officers collected round his bed, what had passed subsequent to his having left the field. No two agreed

in their narratives. "And yet thus it is that history will be written!" he exclaimed. We have a still later instance. The battle of Waterloo was stated by different generals to have begun at various hours, by some as early as ten, A.M., by some as late as half-past one.

natives, that it is their duty to swear to anything which may, by any possibility, turn out in favour of the person on whose part they are summoned to give evidence. For instance, when the defence of a person accused of any crime is an *alibi*, that he was a couple of hundred miles distant from the spot where the offence had been committed, and had been there for a whole month, and did not return until some days after the occurrence,—suppose a question were put respectively to the witnesses, “Did you watch the prisoner all day and night, for a month together, that you speak so positively?” In such a case, in England, some witnesses might be puzzled, others might laugh at the absurdity of the question, and the greater number would rationally reply, “No, but I saw him every day at work, and he never was out of my sight a sufficient length of time, to have enabled him to go such a distance and return again.” There is, perhaps, scarcely a man in England who would do what three natives out of four would,—that is, swear unhesitatingly in the affirmative; yet these very men, if a little pains were taken to explain to them the absurdity they were uttering, would immediately retract the assertion, and observe, “Of course I do not mean to say that I watched him day and night, but merely that I know the prisoner was at such a place during the whole of such a month\*.”

The mode of questioning and speaking to the people is also well worthy of consideration. When an unsophisticated villager is dragged into a court of justice, and pushed up through the crowd, into the presence of the judge or magistrate; when we consider the strangeness of the scene, the white face of the presiding officer, and even the appearance of the building, all which are so new to him, and so different from anything he has been accustomed to see, it is no wonder that he should be in some measure confounded; and, indeed, the degree of self-possession which the common people retain, is certainly extraordinary, and

\* I recollect a circumstance which occurred in a London police-office. It was necessary to prove the ownership of a gun, for which purpose an Irish witness was produced, who swore “that he knew the gun well, having known it ever since it was no bigger than a pistol.” The magistrate rather angrily asked if he meant to say that the gun had grown from a pistol into what it now appeared; which was answered in the affirmative.

probably greater than would be shown by English peasants under similar circumstances. Still, if they be addressed in a loud tone, or a harsh manner, they are soon frightened, and are then easily driven into inconsistencies. Questions put in an authoritative manner will produce replies in the affirmative, or else a denial of all knowledge of the circumstances of the case, coupled, perhaps, with an assertion, (in order to prevent any blame resting on him for refusing to give evidence,) that his attendance had been caused by the person on whose part he was summoned, solely out of spite, in order to injure his business.

As an illustration, my readers may recollect the anecdote of an over-zealous missionary, who, in a tone of authority, was putting questions to a native on points of faith, as, "Do you not perceive the truth of this axiom?" "Do you not perceive the absurdity of such a notion?" and so on; to all which he replied, "Most certainly." At last the question was asked, "How long have you resided here?" "Most certainly," was the reply. The fact was, that the poor man hardly understood what was said to him, but, fancying the Englishman was rather angry, thought it best to agree to all he said. I recollect a precisely similar instance in England. The master of a school with whom I was acquainted was very passionate, and, as may be supposed, would sometimes behave very unjustly. On one occasion, one of the boys was accused of some heinous offence, no less than plucking a couple of plums, on his return from church, from the branch of a tree which overhung the road. All of a sudden the master burst into the school-room, seized the unfortunate culprit by the collar, and, without giving him the least intimation of the cause of his displeasure, began shaking him violently, and dragging him round the room, exclaiming, "What do you mean by it, sir? You will be sent to gaol! You will come to the gallows! You will go to hell! Where do you think you will go to?" "To hell, sir," answered the affrighted boy. On this the master, all aghast, turned to the other boys, vociferating, "Do you hear such depravity! He has actually made up his mind to go to hell!" The fact was, that the poor boy, not having a conception of what all this business was about, (his offence having entirely escaped his



recollection,) and, \*frightened out of his wits, thought the only thing he could do to appease his master's wrath, was to agree to everything he said, while the latter was too much blinded by his passion to have any perception left him\*.

Another circumstance is worth noting, as illustrative of the carelessness in the manner of doing business common among the people of India. The mode of drawing up bonds and deeds is quite at variance with the regular habits of transacting affairs to which we are accustomed. In a suit founded on a bond, it appears all plain and straight-forward: the money is sworn to have been lent, and the bond executed in presence of the witnesses; yet, in perhaps nine cases out of ten, this is not the real fact. When a man wishes to borrow money of another, a bond is usually drawn out at once, and the money is sometimes paid immediately, sometimes not till several days after. Some days also elapse, before the signature of the witnesses is affixed, which is done when any convenient acquaintance of the lender chances to drop in; and these witnesses sometimes ask the borrower if he has received the money, but as often neglect to do so, if he should not happen to be in the way when their signature is affixed. Even in the factories of English merchants and indigo-planters, a mode of transacting business obtains, which would be deemed very extraordinary in England. At the period of making advances on indigo-engagements, perhaps twenty cultivators will attend at the time the advances are made; but, in order to obviate delay and detention from their work, the bonds are often not written at the time. A very common mode is the following: The treasurer sits down in company with a writer, and three or four people, as witnesses; as the money is given, a memorandum merely is made, on a slip of paper, of the sum paid to each, who departs immediately on receiving it; and when the whole is done, in the evening, or perhaps the next day, the bonds are respectively drawn out on the prescribed stamped paper, and the signature of the borrower, as well as of those who were seated as witnesses, are all written by the clerk, in whose department this part of the business lies. The witnesses again, who were, perhaps, talking

\* A literal and unexaggerated fact, I beg to assure my readers.

among themselves, totally inattentive to the business transacted, have so little recollection of the detail of what took place, that, in the event of a suit being founded on one of these bonds, unless their memories were refreshed when they were summoned to give evidence, they would be utterly unable to give an account of what had occurred.

The little education which is received by a large portion of the common people in India, numbers of whom are unable to read or write, which renders it necessary to write their signature for them, is one cause of this lax mode of proceeding, and it is also one reason of the ease with which a deed may be forged, and destroys one great means of detection in the authentication of a signature. This is still further promoted by the absurd affectation in which those of the better classes, who can write, indulge, of affixing their seal instead of their signature to a paper. It would be a very wise measure if Government were to endeavour to alter this custom, which might be done without any great difficulty. At present, police and revenue officers, moonsiffs, kazees, vakeels, (attorneys,) and even law-officers of the sessions'-courts, often affix their seals only to papers. With regard to all in office, a simple order only from Government, that the signature, as well as the seal, should be affixed, would be sufficient. If these officers were ordered to oblige every person who signed (if the expression be allowable,) an official paper before them, to do the same, it would extend the practice; and it might be still further ordained, that in the event of any document being filed in a public office, purporting to bear the signature of any person who could write, but not actually written by his own hand, he should be called on to supply the omission, and pay a slight fine. This would, ere long, render the custom of autograph signature universal, and tend greatly to check fraud, without producing any evil whatever.

The question which naturally arises is, what is the best mode of checking this propensity to exaggeration and falsehood? But, first, let me inquire, what has hitherto been done by the English towards this desirable end? It is allowed to be an undeniable fact, that wherever the natives of India have seen most of the English, there has morality been at a lower ebb than it was

before; and, among other crimes, that falsehood and perjury have increased to a frightful extent, under our system for the administration of justice\*. The evil, as at present existing, is allowed by all, and the necessity is imperative to endeavour to adopt some measures for remedying it; for the barefaced, unblushing way in which falsehood and perjury is too often exhibited in our courts, is perfectly heart-sickening. In all attempts hitherto made to correct it, it is lamentable to perceive the same fundamental errors which pervade English legislation, punishment for the crime after it has been committed, and that too, in many cases, with an indiscriminating over-severity, unaccompanied by any measures of prevention. In others, undecided half-measures and deficiency. Until the year 1817, the punishment awarded to perjury and common forgery was, disgraceful exposure, thirty stripes, branding on the forehead the word "perjured," and seven years' imprisonment. For forgery of coin or stamps, the period of imprisonment was fourteen years; for a sort of minor species of perjury, in making false, malicious, or vexatious complaints, both civil and criminal courts had the power of imposing fines to a certain extent, commutable to imprisonment if not paid. By Regulation XVII. of 1817, the court has the power of mitigating the punishment, in the first case, to three years' simple imprisonment, and in the second, to seven years.

It should be observed, that, although these remarks are general, and apply more or less to the whole of the Regulation provinces under the Bengal government, yet, that considerable variety will be found in the people of the different subdivisions, and even among different castes and sects in the same district.

Few persons are, I believe, sufficiently aware of the impunity with which, under our rule, the most gross cases of forgery, perjury, and false accusations may be committed, and the little disgrace or punishment which is attached to them. The people themselves are lost in amazement, at the practices which they

\* The names only of the authorities, civil, military, English lawyers, judges of Supreme Court, and others who might be quoted, to prove this assertion, would fill a page. The fifth report in Mill exhibits a tolerable catalogue.

daily witness in our courts and offices, and do not fail to draw comparisons to our disadvantage, between what they there see, and what would have occurred under their own tribunals, where such proceedings, they remark, would never have been tolerated. It is much to be hoped that a new system will be introduced. The first step should be to call the attention of the different functionaries to the subject. Every instance, not only of perjury and falsehood, but of prevarication and exaggeration, should be carefully watched, noted, and punished ; and a very considerable alteration, both of the law and the practice of the courts, must be introduced.

With respect to a positive forgery of a deed, it is needless saying much ; so palpable a case as this, if proved, will not, I hope, as has hitherto been too often the case, be passed over, without the parties being committed for trial ; but there are a variety of instances, which, morally speaking, are nearly as bad, but which do not amount to positive forgery ; others again are supported by perjury. But here, I will do the natives the justice to say, that, generally speaking, they are not prone to bring forward a plaint founded on downright forgery or perjury. There are, undoubtedly, in every district a certain number whose livelihood is notoriously made by this practice, and, by extorting money, by threats privately given, of bringing forward false suits ; and others are tempted to be guilty of this out of malice, but the majority I certainly acquit of any such general accusation. On the part of those who come forward as plaintiffs, whether in civil or criminal cases, there is, unhappily, a great deal of prevarication and exaggeration ; but there are usually some grounds at the bottom to shield them from the charge of a totally false complaint. It is on the part of the defendants and prisoners that the abominable cases of forgery and perjury are so often manifest, in their anxiety to defeat a just demand, or to escape punishment ; and this should be borne in mind, which it never has been sufficiently, in the observations on the litigiousness of the people of India. This, too, will account, in some measure, for the disgusting sight, so often observed, of sets of witnesses swearing to facts diametrically opposed to each other. I will endeavour to illus-

trate this by an example:—A files a suit against B for a sum of money due on a bond. B, in his defence, admits the bond, and having received the money, but urges having repaid it, or a considerable part of it, and brings forward witnesses to swear to this; as a reason for not having retaken the bond, he declares, that on asking for it, the plaintiff made some excuse, such as, that his partner or brother had got the key of his box, and promised to return it the next day; or should only a part have been paid, of course the reason given is, that A promised to indorse the receipt on the bond. A stoutly denies having received a farthing of the money due on the bond. Now the real facts of a case like this are very often as follows: besides the sum on the bond, B has received goods on credit from A, which the latter has, in good faith, neglected to take a note of hand for, or to enter in a regular business-like manner in his books, a suit for which would, consequently, be rather difficult to prove. Having, afterwards, some suspicion that B is a fraudulent character, and will endeavour to avoid payment, he demands the amount on the bond, which is a good document, and, having received it, makes some excuse for not returning the deeds, places the sum in his own mind to the other account, and sues on the bond. He carefully avoids making any allusion to the other account, knowing that if he should acknowledge any payment, and the defendant deny those items, his present suit would be dismissed, as the payment would have been held to have been made on the bond. B also avoids the subject, knowing that the other will find it difficult to prove the running accounts, and that if he should admit it, or even mention it in open court, it would supply good presumptive proof. Where the case is conducted by vakeels (attorneys), and written proceedings have been prepared in the office, it is impossible to learn more of the case than what is just mentioned, and the judge leaves the court in disgust at the abominable perjury of one or other of the parties. But if the witnesses be examined by the judge personally, and especially if the parties themselves are called and questioned pretty closely, the whole business will generally be brought to light. In such cases as these, a moderate fine should be imposed on the plaintiff. Strange as it may appear, I can assure my readers, that, setting aside the regular bankers and

merchants on a large scale, such laxity in the mode of conducting their business is extremely common among the retail dealers and their customers. It is in such cases as these that the benefit of the local moonsiff's courts is felt; and I am convinced that, on the whole, the amount of real justice dispensed in those courts is infinitely greater than was received from the courts in which a British judge presided, under the old system, and fully equal to what is to be obtained at the present day. I could mention many other cases in illustration, but they will come more appropriately under the head of "*litigation*."

But to come to the point, as to complaints which are positively and literally false, and supported either by forged documents and perjury, or founded on accounts supported only by perjury. There is not a court in the country in which causes of this nature have not been brought forward, discovered, and dismissed; in many, the judge has openly recorded in his proceedings his conviction, that the suit was a completely false one. Here, one would suppose punishment would follow, or at least a committal for trial yet such is rarely the consequence. Why? Here we have a specimen of the anomaly and indecision so characteristic of the British-Indian administration. Should the judge show any indication of any such intention, the plaintiff would, of course, appeal the cause to the superior court, and, in his petition, most probably deal largely in aspersions on the judge and his officers. The appeal would, of course, be admitted, and would lie from two to ten years, (under the system which has hitherto existed,) and virtually quash all criminal proceedings. But, it may be asked, "Why not fine at least the plaintiff, under the Regulation (II. of 1803) which authorizes such a proceeding?" The same system would nullify the order here also. An appeal would, of course, be preferred; of course, admitted; and the judge, of course, ordered to stay all proceedings until the appeal were decided; this would be after the lapse of several years, when the chance of the fine being enforced would be small indeed.

Many suits are necessarily dismissed, in which no fraud whatever is attributable to the plaintiffs. Claims to real property, of the truth of which the plaintiff may feel a tolerably strong moral conviction, are often difficult to prove legally, from lapse

of time, loss of documents, or death of witnesses, or are defeated by superior tact and roguery on the part of the defendant. Others, again, are brought forward under a mistaken notion of the nature of his rights; and, in complicated transactions between merchants, a man whose claim is just, occasionally sues the wrong person. Of such I am not now treating; but where suits are pronounced openly to be positively false, I think some provisions should be enacted to provide for the immediate punishment of the plaintiffs, and witnesses also, if these should be found to have been aware of the real nature of the case. If the present system of committal for perjury, or forgery, be retained, it should be provided that no appeal of the civil suit should be heard until the criminal case were decided. But the same person who holds the office of civil judge, presides also in sessions; of course, his decision in his latter capacity would support that which he had just given in his former one; and the prosecutor and witnesses would needlessly be compelled to undergo two more attendances; once at the magistrate's office, and again at the sessions; for, although practically it is little more than a form, a civil judge does not actually commit a person for trial at the sessions; he sends all the parties to the magistrate, who makes out the commitment\*.

\* There is a great want of arrangement in the law and in practice. Regulation XVII. of 1817, sect. 14., provides that no charge of perjury and subornation of perjury in a civil suit, shall be attended to, unless the civil judge takes up the matter. This officer is to investigate the case, record his opinion, &c., and then "the whole of the original papers, relative to the case, shall be transferred to the office of the magistrate, that the order of the judge may be carried into effect, and the case brought before the court of circuit, in the same manner as if the charge had been instituted, and proceeded upon in the court of the magistrate." This has in practice been usually understood to mean, that the magistrate is to sign the final order of committal for trial, and such has been the course adopted, with which in general no fault has been found by the superior court. But in

the Nizamut Reports I find a case decided, November 20, 1829, Government v. Neamut Oollah and Aman, in which the proceedings were annulled, because the magistrate had signed the committal instead of the judge. On this another question arises, as to the trial of such cases. The civil and the sessions' judge in each district are now the same individual. As civil judge, he is to investigate and commit the case; as sessions' judge he is to try it. Yet the same individual is prohibited from trying a case as sessions' judge, in which as magistrate he even issued any preliminary orders; one would suppose this principle would apply in both cases. Again, suppose a false suit be preferred, founded on a forged bond, and supported by perjury; the judge is to commit the witnesses for the perjury—the magistrate will commit the plaintiff for the forgery. Surely these

But the misfortune is, that if all were committed who had been guilty of perjury, according to our idea of the crime, the number would be immense; therefore, while the severity of punishment remains so great as it is at present, judges are reluctant to have recourse to the measure, and the law defeats its own object.

In civil actions, it is on the part of the defendants that the most barefaced cases of perjury and forgery occur. Men who are in the possession of property unjustly acquired, when a suit is brought against them, do not scruple to forge deeds and bring witnesses to support them. Others, when sued for money, forge receipts, and attempt to prove them by false evidence. Repeated experience has shown them that the chance of punishment is extremely small; the only loss they anticipate is the costs of the suit; the chances of success in the defence are considerable, and the positive gain certain in keeping possession of the money, and enjoying the usufruct, for it is rare that the plaintiffs are allowed any interest, so great is our horror of usury, and they realize thereby much more than the amount of the costs of the suit. Nay, were the legal interest of twelve per cent. always given, the delay in the decision is so great, that the defendants would gain by resisting the demand. They probably employ the money at twenty-four or even thirty per cent., so that, allowing for some bad debts, they realize more than the legal interest and costs awarded against them. This is another cause of the increase of forgery and perjury caused by the system we have introduced.

The same observations will apply to criminal as to civil cases. Occasionally, positively false complaints are brought forward; but it is among the prisoners and their witnesses that the most

anomalous rules should be rectified.— [Since this note was written, a circular order, dated 17th July, 1835, has been issued by the Nizamut, explaining the law, according to which if a man commit perjury before a judge in criminal sessions, the latter may order the magistrate to commit the offender for trial, (thus not leaving the magistrate any option, or discretion to

investigate the charge,) and immediately proceed to the trial of the case himself. A judge in a civil court must, in such a case, himself sign the committal for trial, consequently he cannot try the case. Yet the civil judge, and judge of criminal sessions, are in every district the same person, so the anomaly remains as great as ever.]



numerous cases of perjury are to be found. Among the prosecutors, it is generally exaggeration upon some foundation. Almost daily are petitions presented to every magistrate regarding assaults, each setting forth that the petitioner has been severely beaten "with fists and feet, sticks and shoes," for no cause whatever. Now, supposing, as is generally the case, that some provocation has been given by the prosecutor, this is, according to the definition laid down, a positive perjury; for in *all* criminal cases, however petty, the prosecutor is obliged to testify on oath to the truth of his petition of plaint. The definition of perjury, as laid down by Regulation II., 1807, sect. 4, is as follows: "Giving intentionally and deliberately, before a court of judicature, magistrate, or other authorized public officer, a false deposition upon oath, or under a solemn declaration taken instead of an oath, relative to some judicial proceeding, civil or criminal, and upon a point material to the issue thereof."

Now, as the deponent has declared, on oath, that he has been beaten without cause or provocation, and as it will be allowed that the fact of his having given provocation or not, is very material to the issue of the case,—as the law stands, the complainant has been guilty of perjury. Yet in a case where the utmost penalty will be a slight fine on the defendant, surely no one who knows the native character would advocate that every one who brings forward a complaint of this sort should be committed for perjury, for which the least punishment is three years' imprisonment. Accordingly, by Regulation VII., 1811, magistrates are authorized to punish a plaintiff in a case like this by imprisonment, according to the circumstances of the case, but not exceeding six months. The anomaly is, that this provision does not extend to the witnesses, supposing them to have supported the plaintiff's statement in every particular; if punished at all, they can only be so by committal for perjury. The consequence is that, practically, the conduct of the witnesses in such cases is rarely noticed. Some magistrates do occasionally fine them on that plea of great latitude, "contempt of court,"—a very proper proceeding morally considered, but I do not know how far it

may be so in a legal construction\*. In the trials in sessions the most barefaced cases of perjury are exhibited, in the attempts on the part of prisoners, to set up alibis. And here I must again allude to the difference in the mode of committing a case by magistrates in England and in India. In England, if an accusation be consistently sworn to, in general no notice is taken of what defence the prisoner may have to offer, (it is, indeed, only within these few years that a magistrate or justice of the peace has been pronounced to possess the power to do so,) but he is told to reserve it for the sessions. In India the very reverse takes place. A magistrate attends to everything the prisoner has to urge, summons witnesses in his behalf, investigates most fully the whole case, and then, if it seems well founded, commits it, or, if he think the charge not proved, dismisses the prisoner. All this he is compelled to do for his own sake, to avoid the reprimand which he would receive on committing a case without sufficient grounds. After all this, so considerate is our Indian code for the prisoners, that at the time of committal, they are asked if they have any additional witnesses whom they may wish to bring forward at the sessions. Should any be mentioned, their names are taken down, and they are summoned on the part of Government, without a farthing of expense to the prisoners;—nay, so far is this carried, that although the prisoners may, at the period of committal, say they have no witnesses, yet, if at any subsequent period they intimate a wish to have any called, the magistrate is obliged to summon them, or even when on their trial, should they express a desire to produce any, the judge is required to cause their attendance; at least one-half of these give the names of several persons! In general, those named have never before been alluded to in the investigation before the magistrate by the prisoners, which, if their evidence really were good, would hardly have been omitted. They are generally the friends or relations of the prisoners, often the participators in the

\* In a case in the Nizamut Reports, July 27, 1829, *Hurrishunder Chut-turgee v. Munneenauth Baboo*, it is indirectly pronounced that a man | falsely confessing himself guilty of a crime may be punished for contempt of court.

crime, whom it is intended to summon, with the intent to prove an alibi. They are all summoned accordingly by the magistrate, and sent up to the sessions, and swear to the alibi. A part of the form is to have their depositions taken first in the magistrate's office, which is usually done by some native subordinate, and signed by the magistrate. The latter rarely questions them himself—his time being too valuable to give to what is considered a mere matter of form. What is the consequence? The prisoners are pronounced guilty, an observation being recorded by the law officer, and corroborated by the sessions' judge or the Sudder Nizamut\*, that the prisoner's witnesses do not prove anything in their favour. I have heard many judges say, that if the case for the prosecution be consistent, and well proved by circumstantial, as well as positive evidence, they never pay the least attention to mere alibi witnesses, whose names have only been mentioned by the prisoners at the period of committal; yet no notice is taken of the conduct of these alibi witnesses,—they are allowed to perjure themselves, sessions after sessions, and to return to their homes, merely lamenting that they have not succeeded this time, and hoping to be more fortunate the next.

I am not blaming the principle laid down for the guidance of magistrates in India, in the investigation of charges which will ultimately be committed to the sessions: it is founded on a laudable anxiety to give the prisoners an impartial hearing, and is one of the points of great superiority of our British-Indian code over English law. I would give every facility to prisoners to exculpate themselves; and there are many cases in which it is highly consonant to justice to summon witnesses in their behalf for the sessions, although these may not have been alluded to in the preliminary investigation by the magistrate.

Sometimes the evidence in favour of the prisoner is of a nature that could not in any way affect the decision of the magistrate as to his committal for trial, although it may very materially influence the sentence which may ultimately be pronounced. For instance, such as witnesses to a good character, or, in case of

\* Chief criminal court.

an assault, to the provocation the prisoner may have received. But this deliberate encouragement to perjury which is afforded by the system of allowing the sort of alibi witnesses alluded to to pursue the course which is now followed, without the slightest notice being taken of it, is carrying the principle of tenderness a little too far.

The consequence is, that the system of bringing forward these alibi witnesses on trials in sessions, is becoming daily extended. The parties concerned perceive that they have nothing to fear, and that there is a chance of the prisoner's acquittal,—indeed, since the plan of district sessions, and trial almost immediately after committal has been introduced, a refinement in the mode of proceeding has been adopted. It sometimes happens that the trial follows so speedily, that the prisoners have not time to send to their witnesses to instruct them on what particular point they are to swear, in order to prove the alibi, consequently the witnesses decline all knowledge of any circumstance in favour of the prisoners. The mode of proceeding very often is to decline wishing to call any witnesses when asked by the magistrate, immediately to send some friend to make arrangements with some of their relations, or with men who make their livelihood by giving evidence when required, and this done, to give in a list of their names, and they are accordingly summoned upon the trial.

If a judge wish to punish such miscreants, his only mode, under the present system, is to send the case to the magistrate; and this subjects all those who would be required as prosecutors or witnesses, either to a protracted attendance, or attendance at two further additional investigations,—once before the magistrate, and again at the sessions. These parties have, in addition to the injury they originally sustained, perhaps already spent a month or more in attendance at, and in journeying to and from the different courts, and the dislike to occasion them any further annoyance, added to the pressure of business, is probably one reason why no notice is taken of these cases of perjury. It seems expedient that some plan should be adopted to enforce the immediate punishment of the guilty.

When two sets of people swear diametrically opposite to each other, it is evident that one must be in the wrong. Whether wilfully so, or by mistake, is another question. There are certainly cases of this nature which are doubtful, and in these we naturally lean to the side of mercy, and acquit the accused. In some, such as identifying a particular person or article of property, each person may conscientiously believe that he is right; but in these alibi cases to which I am alluding, and in which it is evident, from the whole tenour of the proceedings, that the witnesses for the prisoners come prepared to be guilty of deliberate perjury, I think that where the prisoners are found guilty, the judge should, without any further investigation, be empowered to award punishment to their perjured witnesses.

Another point deserves to be mentioned. It repeatedly happens that, before the sessions'-judge, witnesses give statements very different from those they made before the magistrates. Sometimes the difference is immaterial, at others it arises from forgetfulness, or the want of exactness so characteristic of the lower orders in India, but not unfrequently it is deliberately done for a bad purpose.

The Superior Court have, in a circular order (dated July 16, 1830) required the superior judges always to note such instances in their proceedings, it is supposed with a view of punishing the parties concerned; but here one of the anomalies of the British-Indian legislation nullifies all such intention. The proof on which a sentence of punishment would be founded, would, one might naturally suppose, be the discrepancy between the evidence offered to the sessions'-judge, and the recorded deposition of the same person before the magistrate. Strange to say, this is not considered sufficient proof. The attestation of the magistrate, a man who is vested with such extensive powers, to the deposition, passes for nothing, unless he should have taken the precaution to have caused two or three people to witness the deposition, and attest it by their signatures. The sort of people usually selected for this purpose, when it is done, are petition-writers, and a species of low attorney called mooktars; but it is never done in the magistrate's office, except in confessions. The pressure of busi-

ness prevents it in ordinary cases ; the reason for this anomaly I imagine to be the well-known mode in which depositions are too often taken in a magistrate's office ; viz., by a native writer, and, after being muttered over to the magistrate in *Persian*, signed by him, and filed with the case, as described in No. XXII. of these papers. That this mode of doing business is unavoidable, from the overplus of business, I am well aware ; and the superior courts have acknowledged it, as is sufficiently proved by the circular order once before quoted. It is an additional argument, if any were wanting, for increasing the number of officers sufficiently to enable them to perform their duties properly, and then the attestation of a magistrate to a written deposition might be considered a sufficient proof of its having been made. As matters are at present conducted, all such cases as those now discussed pass without notice\*.

There is an extraordinary notion prevalent as to what constitutes perjury, which should not here escape attention. Suppose a man accuse another, on oath, before a magistrate, of any crime, and that, after investigation, the latter is committed for trial : that the accuser, on coming before the sessions'-judge, voluntarily retracts his first assertion, which, however, he allows that he made on oath, declares the whole to be false, and that he was instigated and suborned to make the accusation by some one who bore an ill-will to the prisoner. Such cases do sometimes occur ; surely the confession voluntarily made before the sessions'-judge is sufficient evidence of the perjury ; or, granting that the first accusation were correct, that the accuser has been since bought off, and induced to accuse as his instigator some person against whom the prisoner bears malice, he is, morally speaking, equally deserving of punishment. Yet some British judges and Muhammedan law officers actually have considered this insufficient, unless the prosecutor make this second statement on oath before them, and actually proceed to administer to him the oath, take his deposition, after which the perjury is complete,

\* The attestation of the magistrate alone is not, I believe, ever considered sufficient ; but there have been cases in which the evidence given and recorded was considered proved, by the depositions of the writer and person who administered the oath. See Nizamut Reports, July 23, 1829 : *Government v. Gomanee and Bhowanee*. But such cases are rare.

and the man is punished;—such abominable prostitution and degradation of an appeal to the Almighty is execrable; yet such has actually occurred in the British-Indian courts\*.

Much falsehood has been caused on the part of native witnesses, by our attempts to introduce a preciseness in giving evidence, which is quite foreign to the ideas of the people. We are not content with a general description; we either forget, or are ignorant, that the common people, when giving true evidence, are unable to particularize; and that an attempt to extract such particulars as we are accustomed to think necessary, will only drive them to the expression of contradictions and absurdities. However desirable it may be to obtain evidence given with precision, we must too often, when the common people of India are concerned, be content with generalities, and by the concurrent testimony of several, and collateral facts and assertions, draw the best inference we can. But, in some cases, the English judicial officers commit the most extraordinary absurdities in their zeal for precision. For instance, an affray occurs between the inhabitants of two villages, in which, perhaps, fifty, a hundred, or more persons are engaged, of whom some have gone expressly to join in the affray, others to prevent it, and others, as we should express it, “to see the fun;” almost every one being armed with either sword and shield, spear, club, bow and arrow, some with more than one weapon, and which ends in two or three being killed, and six or eight wounded. The evidence in all these cases is none of the best; that the wounded were concerned in the affray is sufficiently clear from their wounds: but as to the others, generally speaking, the only evidence which can be obtained is supplied by the accusations respectively of the opposite party, and some of each side are allowed to come forward to prove the guilt of those who appear most to blame. It is rare, indeed, that in cases of this sort any really independent testimony can be procured. Now, in by far the greater proportion of these cases, were the witnesses to speak “the truth, the whole truth, and

\* About two or three years ago some extraordinary trials took place in the Moradabad division, in which men were made to swear backwards and forwards in the most unaccountable manner. Some account of the proceedings appeared in the public papers.

nothing but the truth," it would be to the following effect:— That among the crowd they distinguished such and such persons ; that most, if not all, were armed ; that they observed such and such persons certainly to have been so ; and that such and such persons appeared to be the most forward ; but that they could not possibly tell who had struck the blows that had occasioned the deaths or the wounds, though in some instances, of course, this may be partly ascertained. In examining the early records of our courts, we shall find that such was often the tenour of the evidence in cases of affray, and it is so occasionally still ; but this did not suit our English notions ; we must have each man's share of guilt positively ascertained ; consequently all sorts of questions were asked as to who struck each particular blow, accompanied by observations, " You are concealing the truth," &c. " You must have observed more than you state," &c, till the poor witnesses were so badgered, that, in despair, they used to manufacture details suited to what they imagined the meridian of the English intellect. As this practice gained ground, the people, to save trouble, have got into the habit of manufacturing the story beforehand, and now it is usual for a witness to go on as readily as if he were repeating his creed. First of all A. cut B. with a sword in the leg ; then C. struck D. with a club ; then E. speared F. ; then G. cut B. again on the arm ; then F. came up, and knocked down G., and so on ; and give, as a reason, that unless they are so particular, the English judge will be angry. Of course, after a man has given details of this sort to the magistrate, when he is called on at the sessions, which, till the new system, were held at six months or a year apart, to do the same, some discrepancies will often arise ; and this has not unfrequently resulted in the acquittal of prisoners, and a tirade against the perjured natives\*.

Another great encouragement to exaggeration and false complaints is afforded by the English mode of proceeding, in receiving appeals from the decisions of inferior tribunals. In a

\* See the trial already alluded to, | sons having met and fought, but that  
Nizamut Reports, July 23, 1829 : Go- | they did not distinguish who beat each  
vernment v. Gomanee and Bhowanee. | other. The law officer pronounced  
Two witnesses deposed to certain per- | this not to be good evidence, because



petition of appeal it has become an almost established custom to endite a certain portion of abuse against the subordinate authority. Accusations of bribery, partiality, refusal to hear the petitioner's witnesses, protestations that he will be utterly ruined, &c., are the ingredients selected with no unsparing hand, in a petition of appeal,—sometimes being directed against the subordinate functionary himself, sometimes against the officers of his court. Whether the petition be presented against the decision of a British judge, magistrate, collector, commissioner, or of a native functionary, the style is usually the same; and, what is the extraordinary part of it is, that no notice is, generally speaking, taken of such. Some think it too much trouble; others are flattered with the neat compliments to their own superior sagacity and discernment, which are usually insinuated in a petition of appeal to the individual appealed to, and do not like to find faults; and all this is allowed to pass without question;—indeed, it usually happens, that the more violent a petition of appeal is, the more likely is the case to receive immediate attention. It is astonishing that our different functionaries should never have been struck with the tendency which the allowing such proceedings to exist has to degrade our courts and officers in the eyes of the natives, more particularly as every man feels this, when he is himself subject to it. Many natives, who believe that English functionaries are as ready to take bribes as any of the people of India, appeal to this very practice as a proof, and observe “that the English would never allow their own characters to be so aspersed, if they were not conscious of the truth of these statements, and that it was better to pass it over, and not provoke inquiry.” The best mode of checking an evil which is grown to such a height is, no doubt, to promote the education of the people, and to raise their standard of religious and moral feeling; but, as before observed, much may be done in the mean time, if the different Government officers will set about it in the right way.

Much may be done both officially, and in our private be-

they did not specify that such a person struck such a person; and on this ground acquitted them of perjury,	when they, on giving evidence a second time, swore that they had not seen any fighting at all!
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haviour. Officially, the first step will be to render punishment more certain than it is at present: and it is probable that were the amount diminished, and a discretion given to different public officers to punish the minor species of perjury, and even forgery, by a fine, immediately imposed, this end would be in a great measure gained. My readers may at first sight be startled at such a proposition. According to our notions, perjury, whatever may be the object to be attained, is so heinous a crime, that in any shape we consider it to merit a most severe punishment. This idea, in the abstract, is correct, but the policy of acting upon it practically is very questionable. There is as great a difference in the degree of criminality to be attached to perjury, as to any other crime: the object intended should always be considered. To defraud a man of a few shillings by a forged receipt, supported by false witnesses, is surely not to be compared to the crime of bringing a false charge of murder against another, to which, if proved, the punishment inflicted would be death. Probably the most just measure of punishment for perjury, would be to sentence the guilty, in addition to a specific penalty for the perjury, to suffer that punishment or loss which would have accrued to the others, should the perjury or forgery have been successful; on this point, however, there is much to be said, and much room for difference of opinion. But at any rate, to consider perjury or forgery as one unvaried crime, alike deserving of a severe punishment with little variation, seems as unjust and inexpedient, as to visit all thefts with the same penalty, on the plea that the intention is equally bad in a minor, as in a serious theft, and that a man who would steal a penny, would, if he had an opportunity, steal a pound; or it may be compared to the laws of China, which all Europeans condemn as absurd, which inflict on every species of homicide the same punishment. It is, in fact, taking a leaf out of the book of Draco\*.

\* I hope I shall not be understood to consider perjury or forgery as too venial a crime. It is in fact a double crime; the perjury or forgery is, in itself one,—the object to be attained by it is another, and the magnitude of

the latter will be infinitely varied. Thus, suppose perjury to be estimated at ten, to cheat a man of a few shillings at two, and murder at a hundred. In this view, if a man, in defending a suit of a demand of a few shillings

Some, I am aware, do argue upon this principle, and assert that a man who would perjure himself in a matter of small importance, would not hesitate to do so in one of more serious consequence. Possibly this may be just, as regards some nations, but I am certain that it does not apply generally to the natives of India, of whom it may truly be said, "*Nemo repente fit turpissimus*." The object proposed by the forgery or perjury, and the benefit which is likely to be obtained by those who give false testimony, should be considered, and the punishment apportioned accordingly. Many a man would not hesitate in forging a receipt for a small sum of money, or in procuring witnesses to testify to it, who would be struck with horror at the idea of swearing a false accusation of murder against another. We have abundance

bring false witnesses to swear that he has repaid the debt, he and they commit a crime of the amount of twelve. If a man accuse another falsely, on oath, of a crime of which the punishment is death, and succeed in causing the accused to be hanged, he has virtually as much committed murder as if he had perpetrated it with his own hands, and has committed a crime of the amount of a hundred and ten, or nine times as heinous a crime as in the other instance. This may seem a quaint mode of illustration, but the principle is worthy of consideration.

The same observation will apply to forgery; and the following instance will show how a forgery may be committed, yet the real guilt be very slight. By Reg. XXIII. of 1814, sec. 45, decrees of moonsiffs are not to be executed, unless application be made within one year from the date of the decree, except when satisfactory cause of the delay can be shown. When this is not done, and a delay of more than a year has elapsed, the plaintiff may institute a new suit in the district judge's court; and the defendant, in replying to such a suit, is not to impugn the original judgment (unless it were passed *ex parte*), but may show that the amount has been subsequently paid. Had the law merely fixed a period for the decree to be brought forward for execution,

and in default enacted that plaintiff should lose his claim altogether, one could understand it as being founded on a wish to put a period to litigation; but as it stood, I can only conceive its object to have been to raise some little extra revenue for Government, by the stamp-paper which would be required for the new suit. This is the effect, and in addition the law tended to encourage fraud, and promote litigation. Well, a man named Balmokoond obtained a decree against Goolab in the court of the moonsiff of Mohabuns on the 25th July, 1824. He neglected to apply for its execution until the 6th July, 1826. (The probability is, that the delay was caused by promises to pay on the part of the defendant, on purpose to prevent the application being made within the prescribed period.) Fearing that the judge might refuse to execute the decree, and that he should be put to the trouble and expense of a new suit, he altered the date of the decree from 1824 to 1825:—a positive forgery according to the definition of the law,—as much so, as if he had forged a deed to defraud another of a hundred thousand rupees. But will any one say that the same punishment should be inflicted for both cases? See Nizamut Reports, May 8, 1827: Government v. Balmokoond and others.

of proof how completely over-severity of punishment defeats its object; and it is time to try the experiment of a moderate, but certain penalty, to deter from the commission of crime, "*principiis obsta.*" Suppose a man to forge a bond or a receipt for a moderate sum of a hundred or a few hundred rupees, and to bring several false witnesses to testify to it; what is the probable inducement to the witnesses to come forward? in nineteen cases out of twenty, or perhaps ninety-nine out of a hundred, a sum of money given as a bribe; the amount of which may vary according to the object in view proposed by the person who procures their testimony, and which, in some cases, will not amount to more than four or five rupees. Were these witnesses fined ten or twenty, immediately on the discovery of their conduct, it stands to reason that this would have great effect in checking such proceedings, both on the part of those immediately concerned, and in others. We have already a law which allows a judge in civil cases to fine a plaintiff for a "frivolous, vexatious, or groundless complaint," (Regulation II., 1803, sect. ix.,) and one which gives the same power to a magistrate, (Regulation VII. of 1811,) and in the latter case it allows the magistrate to punish positive perjury, since every complaint, even the most trivial, must there be made on oath. I think it would be found a most beneficial enactment to lessen the penalty for the slighter species of forgery or perjury, and allow the different authorities to inflict it at once, upon the investigation which they have already made; and that this should extend to witnesses as well as principals; and the power should be given to every authority, authorized to conduct any sort of judicial inquiry. A maximum punishment would of course be prescribed: a fine commutable, if not paid, to imprisonment, with or without labour,—according to the situation in life of the person,—would be the most expedient punishment; and the amount, and the sort of cases in which the infliction was authorized, should be accurately laid down for each grade of functionary,—commissioner, civil and sessions' judge, magistrate, collector, principal sudder ameen, sudder ameen, &c.—cases appearing of a more serious nature to be committed to the sessions as usual. One proviso I would propose; viz., the sentence under such a

law should never be pronounced until the day after the proceedings had been completed. This may seem a strange suggestion, but public officers become so disgusted at the falsehoods and prevarications which they hear, that, unless they take a little time for cool consideration, they would be apt, in the heat of the moment, to pronounce a more severe penalty than the offence deserved.

Setting aside the general remarks on the efficacy of a certain but moderate punishment, I have seen so much benefit result from the same principle being adopted in the subject under discussion,—viz., perjury and forgery among the natives of India,—that I am anxious it should be attempted generally on a legal and proper footing. I have known some functionaries who, in the minor cases, adopted the very mode recommended under the plea of contempt of court, and have witnessed the most excellent effects from prompt notice of even the most trivial cases, though the penalty inflicted was of the slightest nature. For instance, a man presents his petition to a magistrate, of the usual aggravated nature,—“that he has been beaten without cause or provocation,” &c. &c. Instead of passing this over as a matter of course, administering at once the oath to the complainant as to the truth of his petition, and then ordering a summons to the opposite party, the officer to whom I allude would question the man as to the origin of the quarrel, and if he persisted in his story of having been beaten without cause, would perhaps say, “I will not hear any such story; go and find out the cause, and the origin of the quarrel, and come to-morrow and tell me.” Next day, on the man’s appearance,—“Well, my friend, have you found it out?”—“Why, Sir, the truth is, that he owed me money for a long time; I went to ask payment, and pressed him hard, on which he grew angry, and said, if I plagued him, he would not pay me for a year to come; and then I *did* call him a cheat and a rascal, on which he beat me.”—“Then why did you file your petition with such exaggerations? take it back, and draw out another in which you will please to state the case as you have now told it to me.”

In the attachment of property in the execution of a decree, it

constantly happens that a petition is presented, claiming some part of what is attached ; and that the petitioner will persist in declaring that the property is his ; and that there exists no cause or plea whatever on which the plaintiff could have imagined it to be that of the defendant, with whom petitioner is totally unconnected. I have seen the same plan adopted here ; and when the complainant came up the second time, his story would perhaps be,—“ Why, Sir, the shop which has been attached is mine, as I can satisfactorily prove ; but the truth is, that the defendant rents it from me, and has occupied it for the last six years, on which account plaintiff may have supposed it to be his.” I have even known a man, after declaring himself to be unconnected with defendant, to admit the next day that he was his own brother. It seems extraordinary that people should make such wanton and absurdly false assertions, particularly when a moment's reflection would assure them, not only that the truth would appear as soon as the parties were confronted, but that no benefit could possibly accrue to them from so acting. The practice may be attributed to that proneness to exaggeration which has already been noted ; and to the foolish notion that any admission which they might make tending to exculpate the opposite party, might be used to their own prejudice. I mention these instances to show how much good might be done by slight means, where these are unceasingly applied. In the courts both of the judge and magistrate, to which I allude, these exaggerated statements were after some time almost entirely checked, yet, with the exception of occasionally a petty fine, the chief penalty inflicted was giving the parties the trouble of attending twice, and putting them to the expense of a second petition, of which the prescribed stamp was of only eight annas value (one shilling).

A more extended intercourse between the English functionaries and the people, to which I alluded in my last, and many previous numbers, will have a powerful effect in counteracting the evil now lamented ; and it will also give them opportunities of marking and discountenancing bad characters, which will be found to have a considerable auxiliary influence.

The system of the perpetual administration of oaths which is

carried to such an excess in our courts and offices, has had no slight share in promoting the frequency of perjury and falsehood. It is shocking and appalling to see a solemn appeal to the Almighty degraded by being put in force upon the most trivial occasions. It is introduced into every sort of proceeding; and to such a height is it carried, that a man cannot send an agent with a power of attorney to receive a few shillings which may be lying in the court treasury, due to him on a decree, without, at the same time, sending two witnesses, who are to depose, on oath, that the power of attorney was regularly executed; and this, too, though the distance may be fifty or a hundred miles. So much for the facilities for business afforded by the British-Indian courts. The nature of the oath, too, is another absurdity. Instead of having a *formula* of the different modes of oath most binding on the respective classes of Hindus, with very few exceptions, the oath, "by the water of the Ganges," is imposed upon all; yet it is well known, among the people at least, that many sects do not respect the sacred stream, or consider an oath by its water as any way binding. It is to be hoped that a more rational (to use the mildest term) custom will be shortly introduced, of reserving the appeal to the Deity for the more serious cases. But this subject is of itself sufficient to form an essay, and is merely alluded to here as being one cause of the frequency of perjury.

In conclusion, I cannot refrain from adding a few remarks, to obviate some conclusions which might be drawn from the observations here offered, particularly by those who are bent upon representing the people of India as an utterly degraded and unprincipled race. As to their moral feelings on the subject of truth, the scale on which they must be placed is indeed very low; but I cannot perceive the policy or the justice of declaring that, because they are bad, they never will be any better. In fairness, the state in which they are placed by their Government and social ordinances, should be taken into consideration. They have for ages been subject to despotism, to foreign aggression, and internal commotion; the mode in which they have been governed is one which causes their life to be a struggle against truth, and

obliges them to be vicious in self-defence. These effects have been kept up in full force, under the British government, by the extortion which has been pursued in revenue matters, and by its sanction of the plunders and oppression of the police and other officials; together with the utter insufficiency of any tribunals from which justice might be obtained. It can scarcely be expected that men who have lived for several generations under such disadvantages, can exhibit a high tone of morality; but there is no reason whatever to suppose that this may not spring up and increase among them when a favourable opportunity shall be afforded. The Government must do its duty, in setting a limit to its cupidity, in establishing some security of property, and in promoting education on a rational and practical plan.

Nevertheless, I fear that, bad as they are, even on the point we are now considering, the difference between them and the English is not so wide as some are inclined to believe. Between the lower classes in the respective countries, it is difficult to say on whose side the comparison would show to the greatest disadvantage. Heber's "Observations" have been already alluded to. I have heard several justices of the peace in England protest, that "it was impossible to trust to any assertions of the common people, where their interests were at all concerned;" and more than one lawyer of extensive practice in London has, to my knowledge, declared, that "as many oaths as might be required upon any point were to be procured at *a shilling a head*." I quote the very expressions made use of. Between the middling ranks of each nation, the comparison would probably be rather in favour of the English. There is much of good faith in these classes of both nations: the merchants and bankers of Hindostan are as much to be trusted as those of any country; though some do assert, which may probably be true, that self-interest here has more influence, from the necessity of maintaining a character, than moral feeling. Among farmers and agriculturists, possibly the balance may incline somewhat in favour of the English; though English landlords, in general, might perhaps be slow to allow it, when comparing their rent-roll and the disbursements together, and the excuses made by the farmers for



non-payment. Among the higher ranks of the gentry and the nobility, the difference is immense. These two classes of Hindostanees are too often guilty of the most audacious frauds and falsehoods; and of these, again, the worst are to be found among the decayed Moosulman families of rank, and the Brahmins. Exceptions doubtless exist; many instances of high moral feeling are found among them; but it is a peculiarity among these two classes, that the individuals which compose them almost always exhibit extremes,—either very bad, or very good. There is another singularity regarding these two classes. When an European who is within the pale of respectability, is tempted to be guilty of anything mean or fraudulent, he at least endeavours to conceal his actions, or to disguise them under fair pretences; but the above-mentioned individuals will too often assert the meanest falsehoods, and be guilty of the most disgraceful acts, with so little shame—and that, too, often in matters in which it would be very easy to conceal it—that it would seem as if they were completely indifferent as to how much their character suffered; it is a characteristic which it is difficult to account for, except by attributing it, in some instances, to the recklessness which a continued course of profligacy produces, and in others, to the supposition that they consider themselves placed by rank, situation, and caste, so completely above all scandal, that no reports to their disadvantage would obtain credit.

There is one point in the character of the natives of India which should not be omitted in discussing this subject:—the gratuitous and wanton falsehoods in which they indulge. It is prevalent, more or less, in all ranks and classes, and is almost universal amongst the lower orders. Where the interests of these are concerned, I doubt whether, on the whole, they are much worse than the same classes in England: but the latter do not certainly exhibit that intolerable disregard of truth, on points of not the smallest importance, which is the disgrace of the natives of India. The most simple questions to a servant, such as “Have you been to the bazaar to-day?” “Do you know who that person is?” or a hundred others, are generally at once answered in the negative; although it is directly opposed to the truth, the utter-

ance of which could not in any way affect the person addressed. The only solution one can give is, that, in each case, the person supposes that to avow the plain truth might possibly occasion him some trouble or inconvenience; and that, therefore, it is better to profess ignorance of the subject alluded to.

In elucidation of the remark that we must, in judging of any point in the character of a nation, take their habits and feelings in consideration, I beg to advert to a custom utterly indefensive on the score of morality, which was practised in England, and would be again, were the regulation revived which caused it—that of military officers who used to assert *on honour*, the one that he had not paid, and the other that he had not received, more than the regulation price for his commission; while so little concealment was practised, that immediately after, had even the commander-in-chief asked in private, neither would have had the least hesitation in informing him how much more than the fixed price had been paid. False oaths are regularly taken by the clerks of respectable merchants as to the value of goods at custom-houses in England. “Custom-house oaths” are a regular phrase; and the collector of customs at Calcutta, not long ago, publicly asserted that the manufactory of invoices was carried on so openly in that city, that papers, dated *London*, were often brought to him, with the ink scarcely dry. “Oh! but these cases are mere business matters of course, which everybody does, and understands to be done,”—I imagine I hear it said. The fact is, indeed, too true, and too much to be lamented. But while our own morality is so loose, let us at least exhibit as much charity and leniency in judging of the natives of India as we bestow upon ourselves.

November 1, 1834.

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## No. XLIII.

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 CHARACTER OF THE PEOPLE—LITIGIOUSNESS,  
LITIGATION, &c.

AMONG the prevailing characteristics of the people of India, few have been mentioned more frequently, or in more unmeasured terms of reprehension, than their disposition to litigation. It is a point which requires to be well understood by those who are destined to legislate for them, but which, it is lamented, has not yet received due attention; those who have hitherto presided in the British-Indian government have been too much influenced by the popular clamour, and, instead of investigating the matter with the eyes of statesmen, have allowed themselves too much to be guided by this, and the vulgar notions arising from it, in the enactment of the laws which they have promulgated.

Before either denying or admitting this charge against the people, we should endeavour to obtain a correct definition and understanding of the meaning of the term “litigiousness,” and to ascertain the grounds on which they are accused of this propensity. If by litigation it be intended to signify, that in a given population, a much greater number of suits and complaints are brought forward in India than would occur in England, I acknowledge and lament the fact, the reason of which I shall presently discuss; but if it be meant that the natives of India are generally prone to bring forward false or malicious accusations, I most positively deny this imputation against them.

This declaration, however, it will be observed, is opposed to the opinion of all received authorities. Mill speaks of “that litigiousness of character, which almost all writers have ascribed to this most ancient race,” and he quotes in support two passages; one from Orme, who alludes to the people on the Madras Coast; and one from Mr. C. Broughton Rouse, who speaks of the people of Dacca. So it is; an observation made at two corners of an

immense tract of country, passes current for delineation of the character of the whole people: just as a custom prevalent in Portugal or Naples, might be pronounced to be common to the whole European continent.

What, then, it will be asked, are the reasons that this notion of the people of India, if incorrect, should have obtained such general belief? First, the immense number of suits and complaints which are known to be preferred in every British-Indian court of justice, and in which the business utterly exceeds the physical ability of the presiding officers to perform. But this is no proof of the prevalence of a litigious spirit. It only affords an additional proof of the utter neglect of the interests of the people evinced by the British-Indian legislation. The districts into which our possessions are divided, average, as I have often before stated, seventy miles long, by nearly sixty broad; and contain a population of about a million, *i. e.*, equal in extent and number of inhabitants to the county of York in England. Till lately, a single individual held the joint situations of civil judge and police magistrate for the whole of each district; and the only assistance he received, was derived occasionally from one or two English assistants, who were empowered to decide minor cases, and in some places from a native commissioner, in the decision of petty money suits. Conceive the county of York so situated, under the government of a foreign judge and magistrate! would any one in his senses, imagine the possibility of his being able to transact a tenth part of the business which would be brought before him, or to give redress or even listen to the complaints of numbers subject to his authority? Yet, these are the circumstances which have formed one principal foundation for the opinion we have pronounced, on the litigiousness of the natives of Hindostan.

It is, at the same time, rather amusing to perceive how we have contrived to turn this state of things into nourishment for our own national vanity. As soon as the British authority has been established, the country divided into districts, and judges appointed, who usually respectively reside in the chief town of each division, it has been observed, that ten, twenty, fifty, or

a hundred times the number of suits have been preferred to the English functionary, that were ever brought before the native officer who formerly presided in the same town. This has been trumpeted forth as a proof of the greater confidence which is reposed in the British judge, and it has been gravely and repeatedly asserted, that the people, finding an uncorrupt tribunal to which they could appeal, now brought forward their grievances, instead of patiently submitting to them as they were obliged to do from the impossibility of obtaining justice under their former rulers,—it was, in short, “one of the blessings conferred on them by the English !” The simple fact, that in that very town there existed, under the native government, two, three, or even four different officers, for the administration of civil and criminal justice, either solely within its limits, or, in addition, over a small tract of neighbouring country;—that there were perhaps two or three towns in the district, in which were established similar authorities; and that in the country, many of the large landholders had previously not only exercised powers greater than our English justices of the peace in criminal matters, but also possessed some authority in civil jurisdiction;—that all these authorities had been abolished at a blow, and the several powers and duties concentrated in one office, under a single functionary;—all this was overlooked, and the mere increase of business in the single office has been brought forward, to demonstrate in how much higher estimation we are held by the people, than that which they bestowed on their own countrymen !

Another reason which has contributed to form the opinion which we are pleased to entertain of the universal litigiousness of the people of India, is but an illustration of the tendency so often alluded to, to form general conclusions on partial observation. Every functionary in India sees before him, occasional instances of persevering litigation. The same suit, although repeatedly dismissed, is brought forward again in every conceivable form, before every existing authority. In one shape it is preferred to the collector; in another to the magistrate; in a third, to the civil judge; and again, in appeals to the superior tribunals over each of these officers. But, we quite forget to

remark upon the small proportion of suits so persevered in: the disgust excited by such a spirit, and the annoyance at the trouble occasioned by a few cases of this sort, cause a sweeping declaration to the disparagement of the people at large. There is no country in the world wherein occasional instances of this, as of every other evil propensity, may not be found. We also forget to observe, how much more common this spirit is among the prisoners and defendants than among prosecutors and plaintiffs. That a man accused of a crime should try every possible chance to escape punishment is nothing extraordinary; and with regard to the refusal in the first instance, to pay a just demand, and the subsequent persevering efforts to avoid payment, or to keep possession of property unjustly acquired; the cases of this nature which do occur, are chargeable, not so much upon the litigious disposition of the people, as the inadequate provisions which we have introduced for the administration of justice; to the introduction of some laws and rules of practice totally at variance with the ideas and usages of the people (the usury laws for instance); the encouragement thereby held out to dishonesty and fraud; and to the appointment, in many instances, of men to judicial offices, who were not only grossly ignorant of the people and their customs, but even of our own laws and regulations, which has caused a discrepancy in the decisions and orders given, utterly irreconcilable with any imaginary code or systematic administration. This will be enlarged upon presently.

These are the principal causes which have produced the almost universal opinion entertained by the English of the litigiousness of the Indians. But I again repeat, that, taken in its literal sense, as signifying a general tendency to prefer false or malicious complaints, I must unequivocally deny the justice of the imputation. General assertions, however, must be supported by some proof.—In the first place, then, I quote the following from Sir Henry Strachey, that “out of a hundred suits, perhaps five at the utmost may be fairly pronounced *litigious*.” This was written at Midnapore, in 1802. The following table will show this in a strong light. The first line was also published in No. XXXVI. It contains the decision of our British judges, and six native

judicial officers ; and refers to decisions passed two or three years back. The second line contains the decisions during six months of 1834, of another set of English and native judicial officers ;—

1. Total Number of suits.	2. Decreed in full, for Plaintiff, with costs.	3. Adjusted by agreement, (fa zeeh na meh.)	4. Partially Decreed.	5. Non- suited.	6. Dismissed. Costs to be paid by the Plaintiffs.	7 Number appealed
1228	702	327	57	31	61	
1932	1081	291	262	102	196	101

From these, we see, that in the first example, the number of suits dismissed is barely 5 per cent. ; and in the second, a little more than 9 per cent. I have no other tables by me to refer to just now ; but I have looked over the record-books of two other courts, and find that the average is about the same ; viz., 7 or 8 per cent. of causes filed are dismissed. But it does not at all follow, that all suits dismissed are false or litigious ; many of them may have been just demands, but in which proof failed from the death of witnesses, loss of documents, or other cause. Those nonsuited, are probably almost all just demands : in some, a private arrangement has been made between the parties, but the plaintiffs refrain from registering the same in court to avoid the delay and extortion of illegal fees, to which they would be subject but too often, and which would more than compensate for the value of the stamp-paper to be refunded : some are dismissed in default, from neglect on the part of plaintiffs, whose patience has been exhausted ; and others have had business of greater importance which caused their absence.

The second line also gives another criterion to enable us to judge of the litigiousness of the natives, in the proportion of decisions appealed : this appears to be 101 out of 1932, or a little more than 5 per cent. It is also worth noting, that, on examining into the detail, I find the proportion of the judge's decisions appealed to the Sudder Dewanee to be greater than that of the subordinate functionaries of the same district appealed to the

judge: yet, in the former instance, the appellants had either to travel or send nearly three hundred miles, and to submit to a very expensive process in bringing forward their appeals: in the latter, they had but a few miles to go, and much less expense to be undergone. The reason of the difference is simply this, that in the superior court, the Sudder Dewanee, the appeals, even under the improved system, lie for from two to three years on the average: in the court of the district judge to which I allude, the appeals are now decided in about four or five months, and will probably, ere long, be disposed of in less than half that time, as the average period during which appeals lie on his file, has ever since 1832 been progressively decreasing. Two years ago, the period of pending was nearly two years, and the number of appeals from the decisions of the native judicial officers was about 20 per cent. I also looked over 47 consecutive reversals by the district judge, of the decisions of the subordinate tribunals: of these, I find 26 to have been originally dismissed, but in which, on the appeal, decrees were given in favour of the appellants, the former plaintiffs; and in 21 which had been originally decreed in favour of the former plaintiffs, the plaints were dismissed in the appeal, thus showing a still further proportion, in which the claims were just in the original suits. It would be extremely desirable, that Government should order returns of this nature from every court in the country.

We also hear much of the vindictiveness of the natives, and the unrelenting manner in which they will pursue a debtor, and persist in keeping him in confinement almost for life, to his ruin and to their own loss. Undoubtedly, there are instances of this nature to be exhibited; and the Calcutta gaol, where alone, under the shadow of English law, could such oppression be practised, until a few years ago, contained debtors who had been confined for many years; I doubt, however, whether just as many cases of this nature in proportion to the population might not have been found in any gaol in England, previous to the enactment of the insolvent debtor laws. But the character of a nation ought not to be stigmatized from the conduct of a few individuals, and whether the natives generally deserve this character, may be inferred from the following statement of transactions in one court.



During the past and present year, old decrees passed at all periods, even to as far back as 1812, have been brought to be executed. Some have been executed by the sale or transfer of property. The following refer solely to those executions, in which the decrees were for money, and in which the defendants arrested.

No. of decrees executed in 1833, and to September, 1834.	No. of defendants actually arrested and brought to Court.	Total amount due from them.
1062	1395	Rupees 1,25,779

No. of defendants who paid the whole demand against them and were released.	Amount realized from these.
263	Rupees 17,043
Balance No. of defendants.	Amount due.
1132	Rupees 1,08,736
No. who paid part, and, promising instalments, were released.	Amount realized from these.
721	Rupees 12,291

While the amount due from them was 60,430 rupees, leaving 40,306 rupees due from 411 debtors, who, as they would neither pay nor seemed inclined to make any exertions to liquidate their debts, were sent to gaol ; yet, these found so little vindictiveness on the part of their creditors, that they were speedily released. Very few paid at once the whole demand against them, and no great number paid anything before their release ; but no sooner did they either pay part, and promise instalments of the remainder, or even evince an inclination to make some exertion to liquidate their debts, than their creditors at once consented to their discharge. They were not, on the average, in confinement above a

month each, as is sufficiently proved from the number in the civil gaol. This, on the first of January, 1833, was seventy; in October of the present year, it was seventy-two: in each intervening month it has been about the same, being sometimes a little above, at others, a little below that number. Out of the whole 1062 cases, which, as in some there are two or three, would give about 1300 plaintiffs of almost every caste and class, only fifteen cases occurred, in which the creditors might be justly charged with a vindictive spirit.

I have another statement by me, showing thirty cases of execution of decrees upon forty-three defendants, from whom were due 1576 rupees; all of these showing an inclination to pay their debts, were at once released from arrest by their creditors, without even being brought up to court, although the whole amount actually paid on the arrests was 590 rupees; and this, let it be remembered, is after they have waited years before they have been able to realize their just demands, while every species of legal delay, fraud, and chicanery has been practised against them by those who were indebted to them.

But although I deny that the epithet of "litigious," in its proper sense, is generally justly attributable to the natives, it is a lamentable fact, that, in a given population, the number of lawsuits and complaints is much greater than it would be in England. The causes of this are to be found, partly in the laws and in the customs of the people, and partly in those which we have established. When we consider the difference in the manners, customs, and systems of law extant among the people of India from those which exist in our own country; the youth and inexperience of those to whom the administration of affairs was intrusted; how much these had to learn, not only of the above points, but of the language, or rather languages, in which business was conducted, and the immense mass of current duties which devolved upon them; it might have been expected that one of the first cares of Government would have been to have caused the compilation of a concise code, both of Hindu and Muhammedan law, for the guidance of those who were to administer the laws. To this day, nothing of the kind has been attempted by authority.

The British Regulations are little more than rules of practice relating to the forms to be observed in the different courts and offices; while the rights and interests of the people are left to chance, the caprice of the presiding functionary, or the dictum of a native who is styled "law-officer," who, from education and fitness for his situation, is about on a par with an attorney's clerk in England. On this head, I beg to refer to No. XXVII. of these papers. The extraordinary and almost incomprehensible jumble of equal division of property,—arbitrary and most unequal division,—the law of primogeniture in some cases, and all but community of property in others (which were alluded to in No. XVIII.), which obtains among the people, and the undefined rights and claims to which this unsettled state of affairs gives rise, is another great source of dispute. All these must be borne in mind in viewing the present subject; and then my readers will be able to understand the following detail of causes and suits which are constantly occurring in the British-Indian courts. Nothing bearing any resemblance to them could happen in England: and some of them will probably appear to an untravelled Englishman rather as flights of the imagination, or at best, only what might possibly occur once in a century even in India; but any judge who has attended to his duty, and many other civil officers not in the judicial line, will bear testimony to their being matters of every day's experience. I will now proceed to detail, and for convenience sake shall number the respective illustrations.

First.—A. dies, leaving three sons. His property consists of a good house, value 1000 rupees, and some personal effects. The latter are divided between the sons; but as there is great difficulty in dividing the house, and as the sons agree and continue to live together, everything goes on smoothly at first. But after some time, as their respective families increase, and difference of interests arise, disagreements ensue, and one of the brothers demands to have his share of the house divided off from that of the others. In many cases this is utterly impossible, without completely ruining the comfort and convenience of the abode. Sometimes an attempt is made to apportion off different apart-

ments (which, in some cases, where there is room to make separate entrances, can be done)—this gives rise to complaints of partiality in the division,—fresh inspections, measurements, and re-apportioning, are the consequence; fresh complaints from the other parties, and so on. Then, again, supposing an equitable division be made; if there be but one entrance, the jealousy and dislike which have arisen between the parties creates all sorts of quarrels and affrays, with complaints to the magistrate. I have actually known cases of this sort go on for years, until it ended in the ruin of all the parties, the house being sold to pay their respective debts; while the parties themselves, after having been more than once in gaol, finally become disreputable characters, and live by gambling and thieving. In some instances, the dispute has been settled by measuring off one-third or one-half of the house (as might be), and running a wall up, cutting through rooms, walls, roofs, &c. ; and completely destroying its comfort and convenience.

Second.—It not unfrequently happens, that one of the sons, sharers of the house, getting in debt, is sued in court, and that, to liquidate the sum decreed against him, his share of the house is attached: but as no division has taken place, the creditor cannot know which portion of the house belongs to his debtor, and which to the other sharers; he accordingly attaches the whole house, and affixes the proclamation for sale on some conspicuous part; and the other sharers then come forward to claim their portions. This is one piece of litigation, which, when the family has lived in the house for two or three generations, without any division having taken place, is often no easy matter to arrange; in other cases it is simple enough. The next step is to divide off the share of the debtor, with a view to its sale. Here the difficulties arise which have just been described in the first illustration, and the result sometimes is, that, finding the disputes and complaints endless, an order is passed to sell the right and interest of the defendant, without defining what these are. The consequences of this are various. In some cases it virtually prevents the sale taking place at all; if the rest of the family are numerous, and tolerably rich, they threaten all intending purchasers with personal ill-treatment, and with ruin to their affairs by constant

complaints against them in the different courts. In others, if the creditor be far more powerful by his wealth and connexions than the family of the debtor, he, in default of other purchasers, buys the share of the property himself at the sale; and he then says to the debtor's relations, "Now, if you choose to pay me my demand, I will give up the purchase to you; if not, I will make you repent of it, for I will rent my share of the house to a set of bhungies (a tribe of the sweeper caste) to keep their hogs in it, or to a set of choomars (another low tribe, who barely rank as Hindus) to establish a tannery of cow-hides and eat beef," (according as the party addressed be Muhammedans or Hindus,)—"you may complain as you please, I am rich enough to ruin you all, if we go to law." The result of this is, either continual quarrels and complaints until the family are ruined, or that they with difficulty raise the sum required, although it may be ten times the value of the share of property sold, and pay the creditor, who gives up his purchase to them. In other cases, when a third person has bought the right and interest of the debtor, he, of course, demands that the court shall at least put him in possession of what has been sold by its authority; and here again arise all the difficulties alluded to in the first illustration. Yet all this mass of litigation and evil might be remedied by a simple rule, to which I shall advert hereafter.

Third.—B. dies, leaving a mud-house, value fifty rupees; clothes and furniture, value twenty rupees; to which his two sons C. and D. succeed without any disputes, and live in harmony together. C., an active man, goes into service, or enters into some trade, and gains considerable property. D., of a different disposition, either works enough, independently, to procure a bare subsistence, or perhaps makes himself useful to his brother by going on errands, or affording him other little assistance, in return for which the latter maintains him. After some time, C. pulls down the mud-house, and builds a substantial one of masonry, at an expense of perhaps 2000 rupees, which occupies the whole ground left by B., the father, in which ground each brother has an equal share. D. makes no objection, as both live together in union, and he will have a better house to reside in than before. In

England, in such a case, the matter would be simply settled in one of two ways:—Either C. would first purchase D.'s share of the ground, or would draw up an agreement to pay him ground-rent, to which payment the house, if sold, would be subject; but in the extraordinary way in which the natives of India carry on their concerns, such a thing would rarely, if ever, be thought of. But to return.—Some time after, C. falls into difficulties, runs in debt, and ultimately his house is sold for satisfaction. No sooner is this advertised, than D. claims his share of the ground on which it stands; he warns all creditors and purchasers that only half the house can remain, as it is, and that of the other half, only the right to the materials is sold, which must be pulled down and carried away. This is often done at the instigation of the insolvent C., in the hopes of deterring creditors from causing the sale, because the whole house would, under such circumstances, be of no more value than what the materials would realize, which, after the expense of pulling it down, would not clear above 200 rupees; and C. would escape confinement under the insolvent act. Now, the common sense in proceeding in such cases would be, either to sell the house, as it stood, with the condition of a specified ground-rent payable to D., or, what would be much better, and prevent all subsequent complaints and disputes, arising from a rise or fall in the value of property or other causes, would be to sell the house, as it stood, and award a proportion of the money realized to D. for his share of the ground, to be settled by a jury.

Regulation XIX. of 1814, sect. 9, for the partition of estates, contains a provision to this very effect; that if the dwelling-house of one sharer be situated on ground belonging to another, he shall retain his house, subject to the payment of a specified ground-rent to the latter. It would be much better to award a fixed sum for the value of the ground, and put a stop to further litigation; but the law, as it stands, is rational. With such a law as this as a guide, one would suppose that a judge would naturally apply its spirit to the description of cases now under discussion; especially with the authority before him that is contained in the following enactment, Regulation II. of 1803, sect. 17:—"In

cases coming within the jurisdiction of the courts, for which no specific rule shall exist, the judges shall act according to justice, equity, and good conscience,"—but no; over and over again have I known good houses destroyed to no purpose, by being sold in the manner described. In one case, the district judge ordered the house to be sold, subject to the payment of a ground-rent; on appeal to the superior court, the order was reversed, and a house, which had cost more than 2000 rupees to erect, and for which, if sold as it stood, several purchasers were willing to pay 1500, was actually sold for a little more than 300, which, after deducting the expense of pulling it down, netted about 200, to the great injury both of debtor and creditor. This is probably a specimen of the introduction of our English law notions, of giving every man his right in the abstract, without attention to common sense.

With respect to the proposal to award a fixed sum of money to the owner of the ground, which would finally settle the matter; and to the observation, that the awarding a ground-rent would give rise to much litigation, a little explanation is necessary. Suppose the families of the payer and the receiver respectively to live together in harmony, the head of the former regularly paying the rent to the head of the latter, all would go on well; but, after a generation or two, disagreements would infallibly arise, and a separation of rights and interests would be demanded. The number of each family might be a dozen or twenty; each of the one having to pay, and each of the other being entitled to receive, a portion of the ground-rent. Here is cause for months of litigation to arrange the different shares, and the respective payers and receivers of each, as any one who had ever to decide a case of a similar nature will well know, all of which might have been prevented, by awarding a specific sum in the first instance as compensation for the right; and such is the course which would have been adopted by any tribunal under the native governments.

I have another observation to make, to rebut the often-repeated accusation against the natives, of being actuated by a vindictive spirit. I have repeatedly known instances where the sale of houses has been ordered, on the condition of their being pulled

down, and the purchaser to take away only the materials, in which the creditor has declined to enforce the sale, remarking, "My object is to realize my demand, not to injure my debtor; the sale on these terms would only destroy a good house to his loss, without benefiting me. Let him remain in possession, and I must wait; he may be able to pay me hereafter."

There is another turn on the same point which remains to be provided for; supposing it to be D., the owner of one-half of the ground on which the house stands, who is in debt, and that his share of the ground is attached and proclaimed for sale. The intrinsic value of the piece of ground is perhaps twenty or thirty rupees, but the debt owed by D. is perhaps 200. Accordingly the creditor goes to C. and demands his full debt, threatening, if he be not paid, to force the sale, and if C. should be inclined to purchase, to bid him up, and so realize the whole sum due; or if C. allow the lot to be knocked down to him, (the creditor), he will force C. to pull down the half of the house which stands on the ground sold, and carry away the materials; as this would completely ruin the whole building, value 2000 rupees, the manœuvre generally succeeds in extorting the money from the owner of the house. In such cases, the most just rule would be, before carrying into effect the sale, to empanel a jury to fix a value on the ground belonging to D. on which C.'s house stands, and give the latter the option of becoming the owner of the ground, by paying the sum fixed for the benefit of D.'s creditors. This, under the native governments, would have been the course adopted.

Fourthly.—It is very common in towns to build a row of two, perhaps twenty, shops, each consisting of one room, and the open verandah in front. The goods are contained in the former, which is locked up at night, and brought out and exposed for sale daily in the verandah; the owner, or shopkeeper, residing in his dwelling, which is altogether separate. The owner of the shops sells one to E., and shortly after, the adjoining one to F., but in the loose way in which such transactions are too often conducted by the natives, no mention is made in either deed of sale of the walls, but simply that the shop is sold. Shortly after, one of the purchasers wishes to raise a second story, but his preparations to



build on the partition-wall are resisted by his neighbour, who also claims his right to it. Here begins a litigation, which sometimes occupies years before it is concluded, and the variety of decisions which have been given in such cases is most extraordinary.

Under the old system, when the civil courts were virtual non-entities, the first step was to bring the matter before the magistrate; whatever might be his decision, an appeal followed to the commissioner; when this was concluded, it would be brought into the civil court; and no sooner was a decision given by a subordinate judicial functionary, than an appeal was preferred to the judge, and sometimes a special appeal from his decision was preferred to the superior court. I have known cases of this nature go on for ten years together before they were finally settled, as neither party would give way to the other; each conceiving, and with perfect justice, that his right was at least as good as the other's. Strictly speaking, this description of case is not cognizable by a magistrate, but it was necessary to hear it, and give some sort of decision, to prevent quarrels, and perhaps bloodshed, between the parties. Sometimes, after a hurried inquiry, or, perhaps, a report from the police-officer, the disputed wall is awarded to one party; sometimes it is declared to be the property of neither; sometimes it is referred to a *punchayet* (jury); sometimes it is pronounced to be the joint property of both. Sometimes one party is allowed to raise his second story and build upon the disputed partition-wall, with the proviso, that if, at any future period, the lower wall should be awarded to the other party, the latter should also become the owner of the upper wall which is built upon it, and so on. I could mention cases in which nearly every one of these conflicting orders has been passed in the same dispute in different courts.

Yet all this might be prevented by some rule, without much difficulty. The only rational decisions which I have known given in such cases have been generally those of the *punchayets*, to this effect: a certain sum being fixed as the value of the partition-wall, the option is then offered to the one who is longest in possession, to pay that sum to the other, and thereby acquire the right to the wall; should he decline, the offer is then made to the other; and

should both decline, the wall is then declared to be the property of neither. There remains still one contingency, if both should have made their purchase on the same day. In this case, the only way would be, to put up the wall to auction, between the parties, whoever bid highest to have possession of the wall, and to pay the sum he had bid to the other party. No such dispute could arise between the original owner of the shops or houses and a purchaser, as the former would of course maintain, that he reserved the right of the partition-wall; for, had he sold it, it would have been inserted in the deed of sale.

Fifth.—The same disputes and litigation ensue as to walls which separate yards, which have been sold under similar circumstances, or between members of the same family. For instance, a man has a yard forty yards long by ten broad, at each end of which is a house. Before his death, fearing disputes between his two sons, he builds a wall across the yard, leaving one house and part of the yard to each; but, unfortunately, he neglects to settle the right to the partition-wall, and the result is a series of quarrels and litigation as just described, between the sons or their descendants, or those to whom they may have sold their houses. Sometimes a man will make the above division of his property between his two sons, as far as the house at each end of the yard, but without dividing the latter, or even mentioning it. At some future time, the usual disputes arise to the right of the yard, between the occupants of each house, and each will bring fifty witnesses to swear that it is his property; the reason for such belief and assertion being, that the party in whose favour they are summoned, always had the use of the yard; and both parties swear truly, to the perplexity of the judge and magistrate, or other officer, before whom the cause is brought. The result is, the same variety of decisions as is described in the fourth illustration, instead of adopting the very rational course of dividing the yard between them by a line, and allowing each party, if he chooses, to build a wall on his side of the line.

The poverty and improvidence of the people supply a fertile source of litigation; to which may be added, the want of savings banks, or any institution in which small sums may be deposited

at interest. The majority of the lower orders of natives, on occasion of a marriage in the family, or other ceremony, never think of future consequences: they are urged by vanity, and the instigation of their relations and connexions, to make as fine a display as possible; and often borrow sums which embarrass them for years, or even for their lives. But the natives in this respect are always in extremes; they are either spendthrifts or misers. No sooner is a native out of debt and in the way of saving something, than he turns money-lender. I think Ward observes, that in Bengal probably three-fourths of the people were in debt to the remaining fourth; a remark which might with great truth be extended to the upper provinces. In England, if a peasant or a servant, or other of the poorer classes, is enabled to save a little money, he has his benefit club, savings' bank, or other similar institution, in which it may be deposited. There, thousands of the middle and lower classes, shop-keepers, farmers, labourers, servants, &c., although they may have had goods upon credit, either for the use of their families, or in the way of their respective trade or employment, have never, perhaps, borrowed or lent a farthing in money during the whole course of their lives. In India, on the contrary, there is scarcely a man of thirty years of age who has not been either a lender or a borrower; most of them more than once, and a great many very often.

It is true the large bankers and merchants receive money, for which they allow moderate interest, just as our English agents in Calcutta are in the habit of doing; but the former, like the latter, will only receive sums of considerable amount, and will not be troubled with the petty savings of the poor, amounting to a few annas, or a few rupees, monthly. Those, therefore, who do save, in order to avoid the risk of losing their money, by theft or accident, and to increase their hoard, immediately begin lending to those of their own class, tempted by the enormous interest which is offered. This course is much pursued by the soldiery, both native and European; and it may be mentioned, by the way, that in lending to each other, among the English soldiers, *twenty-five per cent. per month, interest*, is not unfrequently given, or rather more than *1450 per cent. per annum*. So much

for usury laws, absurd regulations, and the want of savings' banks, to be again alluded to hereafter. The security which the majority of the middle and lower classes have to offer is such, (*i. e.*, generally none at all,) that no regular banker, or merchant of respectability, would ever lend them anything; they, therefore, indulge present gratification or vanity, and borrow of one another by the temptation of exorbitant interest.

Without meaning to be dishonest, (for, in fact, the good faith with which money is repaid by the lower classes upon transactions which, if brought into any court, civil or military, would at once be dismissed, according to the existing laws, is a highly praiseworthy trait,) their improvidence and carelessness often makes them neglect to pay their creditors. If the latter are on the spot to be constantly dunning their debtors, the debts are generally repaid, sooner or later, by monthly or quarterly instalments; but if at a distance, the debtors too often spend all that they receive, without making any provision for liquidating what they owe; or, should they have saved money for that purpose, are too often unable to resist any temptation to spend it which comes in their way. Ultimately, an immense number of suits are brought into court, whereas, neither these, nor the transactions which gave rise to them would exist, were there any clubs or savings' banks for the deposit of small sums, and were a little pains taken to explain to the people the benefit of such institutions. Government has, I am glad to see, made an effort to establish a savings' bank, and I trust such institutions will be set on foot all over the country.

With respect to the poverty of the people:—we have heard so much of the blessings of the British government, and the wealth which the people have accumulated, while reposing under its beneficent shadow, that some of my readers will probably sneer at the mention of poverty. It is, nevertheless, true. Each district of the Bengal presidency averages about a million of inhabitants; yet, in each there are not, on the average, fifty men among the carpenters, blacksmiths, masons, jewellers, boat-builders, and other artificers, who could undertake to perform a piece of work to the value of fifty rupees, without receiving an

advance in cash to procure the necessary materials; and this is a fact well known to all merchants and others, who have ever had occasion to build a house, or construct any work or machine. What should we think of the wealth and prosperity of England, if there were not fifty artificers out of every million of population, who could engage to perform a work to the value of fifty pounds, without receiving an advance of money? It is precisely the same in the cultivation of the soil. The land is subdivided into small portions, each tilled by its respective owner, who has his own plough and bullocks; nineteen-twentieths of these are so poor, that without periodical advances at every harvest, to procure seed, and food to live on till the crop is ripe, they would not be able to cultivate at all.

In England, in every county there are hundreds of master artificers, each of whom possesses capital to enable him to undertake orders to the amount of thousands of pounds, while the work is performed by men who receive regular wages. So the land is divided into farms of considerable size, held by men who have capital enough to undertake improvements, and to carry on the cultivation by labourers at a stated hire. In either case a moderate share of superintendence is sufficient; for if a workman or labourer be negligent, he is discharged, and another engaged.

In India it is totally different: after the advances are made, a man cannot sit down quietly in anticipation that the work will be duly performed, or the ground tilled by the stipulated time: either he or his agents must be constantly on the alert to stimulate the people to their work, and see that they do not squander the money they have received, or waste their time in going to some fair or festival, till the season is passed. In the old times, at sowing season, an indigo-planter would keep seven or eight horses in constant work in inspecting the lands, to the owners of which he had made advances; and, with all the labour and precaution that can be taken, a certain portion of money will be lost by the negligence or improvidence of the people to whom it has been given. Negligence and improvidence are, to a great degree, characteristic of the English poor; but the plan of paying regular wages on Saturday nights, after the work has been performed,

acts as a great check there ; to use a common phrase, the people feel it to be—"No work, no victuals,"—the effects are much worse where the system of advances is in force; and in India an immense number of suits are preferred, of a nature which in England are scarcely known, and that, too, without supposing any intentional roguery on the part of those who are employed.

But, unfortunately, there is no scarcity of a dishonest proportion of the people in India, any more than in any other country. Many artificers and cultivators will deliberately take advances, without any intention of performing the stipulated work : others receive money from two or three employers at once, although they know that they will not be able to fulfil their engagements ; and I am sorry to say that this spirit has occasionally been fostered by English merchants and indigo-planters, in their anxiety to promote their own, and injure their neighbours' concerns,—short-sighted policy, as they have, at length, discovered. Here, again, is another source of litigation, which would never exist, were the system of performing work by hired labourers substituted for that of making advances ; which, however, is prevented by the poverty of the people.

Much of the litigation in India, again, is to be charged to the system which we have introduced for the administration of justice. It is obvious, that, in a country where the customs just described are in existence, it was peculiarly necessary to establish courts on a simple plan, in which causes should be heard at little or no expense to the suitors, decided, and the decision enforced with as little delay as possible ; so far from this, it is now universally acknowledged that our courts were so overloaded with business that justice was unattainable. The fundamental principle of the British-Indian government has, till lately, been, to take as much as possible from the people, and to do for them as little as possible ; and, in prosecution of this, one court of justice was established where four or five were requisite ; thus, as suits could not be heard, offering every temptation to the people to commit breach of contracts and withhold just demands : which species of roguery has been progressively increasing for the last thirty years, until the introduction of the new system, in 1832.

The consequences were most lamentable; for, at the latter part of that period, confidence and credit were so destroyed, that trade and manufactures were at the lowest ebb; while people refrained from bringing forward just complaints, on the other hand false and fraudulent suits were on the increase; those who preferred them knowing that the pressure of business was such, that a full and impartial investigation was out of the question; for, what with the hurry of business, and the little attention which was paid to the affairs of the civil court, even when discovered, a simple dismissal was all that was to be apprehended,—punishment very rarely followed.

This was particularly apparent in the shameful manner in which pauper-suits were brought forward. I would here observe, that it is a disgrace to the legislature of any country, that there should be any necessity for special laws, to enable a poor person to prefer a complaint. “The nearer we approach to the rule of granting to all speedy justice, without any expense whatever, the nearer we shall, in our judicial system, approach perfection;” in which sentiment of Sir Henry Strachey I most cordially concur. Nevertheless, I cannot see any objection to judicial fees, provided they be levied with discrimination: for surely fraud and roguery are fair subjects for taxation. But, instead of indiscriminately taxing all applicants for justice, I would have all suits and complaints heard and decided with as little expense as possible,—if with none at all, so much the better; and let the judge have the power of imposing a fine for the benefit of Government, according to the nature of the case, and the circumstances of the party who was proved to have acted in a dishonest manner, or have wilfully withheld a just demand: the fine to be instantly levied, commutable by a specified imprisonment, with or without labour, according to the rank of life of the person imprisoned. It may be remarked, that if the law which allows a judge to imprison a fraudulent pauper-plaintiff has been neglected, such a one as is above proposed would be equally disregarded. It is, however, useless to reply to such an argument; if we assume that laws will, as a matter of course, not be enforced, we may as well spare ourselves the trouble of enacting them. Government has hitherto

far too much neglected its duties; but our rulers have shown a better spirit of late; and if they do not do so voluntarily, they will, ere long, be compelled, to pay a proper attention to the interests of the people. Unfortunately, however, the law, if duly enforced, does not provide a sufficient penalty to prevent fraudulent pauper-suits from being preferred. A man who has no property, has only to swear to this, and bring forward a couple of witnesses to corroborate it, and he is immediately allowed to prefer a suit, to any amount, against any person. It is to no purpose that the opposite party attend, in the first stage of the business, to show that there cannot be a shadow of ground for the suit: he is told that this forms no part of the present inquiry: if he can disprove the pauperism of the complainant, and that the latter possesses money or property, he will be heard, but not otherwise. Consequently, all that the fraudulent plaintiff has to calculate on, is the chance of gain against the only punishment which can be inflicted on him, namely six months' imprisonment in the civil gaol, where he is comfortably lodged and well fed\*.

The following are a few only of many similar cases which have occurred within my own knowledge:—A man named Purrumsook borrowed various sums of money from a great many different people, on pretence of trading; but he was, in fact, a mere swindler: on his character being discovered, one of those he had defrauded, sued him in the district court for 500 rupees lent, and obtained a decree. No sooner was this decided, than Purrumsook sent a common servant of his, whose whole wages were three rupees a month, to sue his creditor in the provincial court, situated 150 miles distant, for the sum of 10,000 rupees. The servant swore to his pauperism, and the suit was at once admitted. As the creditor, who now became

\* I knew one instance in which the opposite party offered to prove that the plaintiff, who swore to his being so far a pauper as to be unable to advance 300 rupees, for the expenses of his suit, had just received more than 2000 rupees, the result of a decree he had gained in a district

court. No attention was paid to this by the court of appeal, and the plea of pauperism was allowed. Security is demanded from a person before he is allowed to sue as a pauper, but it is only security to produce the pauper in person.



defendant, was a man of property, he was forced to defend the suit in the regular way. It was impossible for him to neglect his concerns in order to do so in person, and he was obliged to appoint a vakeel (attorney). This alone was an expense of 350 rupees, and the stamp-paper, summonses to witnesses, &c., might amount to about fifty more: not one farthing of which he could ever recover; for the scoundrel who sued him was, in reality, a pauper. He might have caused Purrumsook's servant to be put in gaol; but the latter would, probably, have been immediately released by a petition, under the insolvent laws. Having filed this suit, Purrumsook went round to all his creditors and warned them, that if they sued him in the district court, he would adopt the course above described, regarding every one of them; and thus effectually prevented any plaint being lodged against himself.

I have repeatedly known sums of money, a hundred or two hundred rupees, extorted from rich merchants, by the threat of filing a pauper-suit against them in the provincial court, for ten or fifteen thousand rupees. The person threatened knew, that, at the worst, the court, if it did its duty, could only imprison the plaintiff six months, and that the four or five hundred rupees, which he would be obliged to expend in defending the cause, could, by no possibility, be recovered; therefore, as the lesser evil, he paid a moderate sum to the rascal who threatened him, to avert the heavier loss. I have known people whose livelihood was chiefly gained by these and other fraudulent proceedings; all which roguery, let me observe, has been introduced by the system on which our courts have been conducted. It did not exist under the native Governments, corrupt and inefficient as we choose to pronounce them.

This is not, however, by any means, the only way in which the system introduced by the British-Indian legislation has tended to produce litigation and fraud. Much is to be attributed to the rules of practice adopted by us, which are at variance with the customs of the people. I must here allude to the rule of succession to property, which practically obtains, both among

Hindus and Muhammedans, in India; being a strange compound of equal division, arbitrary, and very unequal division, and all but community of property, according as chance, or a variety of concurrent causes, may determine, and which were described in No. XVIII. of these papers. It is extremely common for a family, composed of father, sons, sons-in-law, uncles, nephews, cousins, and some other branches, to live together, and virtually to enjoy their property in common. One, or sometimes two, of the whole, are the managing head; but by no means always the eldest member, or even of the eldest branch of the family: in general, the most clever, active, bustling individual is tacitly selected. All money required for the use of the family collectively; for the marriage of an individual; for carrying on their cultivation or trade, or for any purpose, is borrowed by the head, in his own name, and he signs the bond. On the other hand, all sales of produce or merchandise are conducted by the manager. Indeed, so far is it often carried, that, should one or more individuals of the family be in service which enables them to save money, they transmit the amount, not to their one nearest relative, but to the manager of the whole. Nay, further, so very contrary to our notions is the mode of arranging these matters among the natives, that, not unfrequently, should the manager chance to have any business in hand, which renders it inconvenient for him to go to his banker, he will send some other member, without any letter, or even token, to procure the sum required, while the bond is drawn out in the name of the manager.

It is obvious that, where such customs exist, when debts are contracted for the benefit of the whole family, they, conjointly, and not the manager alone, ought, in strict justice, to be answerable for the money due: and such was invariably the case under every native government that ever existed in India. But we have reversed all this. Should a suit be filed against a family, collectively, it is thrown out, and a decree is only given against the manager, in whose name the money was borrowed, and his property alone is allowed to be seized in execution. This individual's

share of the real property is, perhaps, a twentieth part of what belongs to the family in general, and it is so difficult to separate it from the rest, that very often no one can be found to brave the ill-will of the clan by purchasing it; and, as to household furniture, cattle, and other personal property, none but the members of the family and their nearest relations can possibly know what portion is under the immediate superintendence of ("in the possession of," would, where such extraordinary customs exist, be a misnomer,) each individual. Whatever is attached, some member of the family claims his portion, and brings forward two or three of the others as witnesses to substantiate it; it is, consequently, released from attachment. Thirty years ago, such proceedings were unknown, but they are daily becoming more frequent, the people being instigated by the officials about the courts; and, latterly, a new plan is adopted. In cases where the manager has sent another member of the family to borrow the money required in the name of the former, he denies the debt altogether; declares it to be a false demand; and brings a host of witnesses, who, in fact, only swear the truth, to prove that, on the day specified, he was at some other place, many miles distant from that in which the bond was written.

The result is, that by one or other of these modes, the creditor loses his money, and the English are ridiculed for their ignorance of the customs of the people, and bitterly inveighed against for the ruin of justice, which their absurd laws have caused. I have known respectable vakeels (attorneys), when asked how they could instigate men to act in defiance of justice and the custom of the country, reply, "Your observation is true enough, but my business is, if possible, to gain my client's cause, for thereupon depends my reputation and profit;—I would not willingly do anything fraudulent, but what the law allows is not fraud. The rules which the English have introduced, both on this and other points, are absurd and unjust enough, God knows,—but *such is the law*, it is all fair to take advantage of it." It is chiefly among the agricultural classes that this community of property exists. These now find great difficulty in getting credit, or borrowing money; and this is one of the causes that agriculture is

at such a low ebb, and of the difficulty which has been latterly experienced in realizing the revenue derived from lands\*.

It is needless descanting on the increase of litigation which is always caused by the impediments of delay and expense in the way of obtaining justice; that is a point allowed by all unprejudiced men, who have any knowledge of human nature. Sufficient also has been said on the insufficiency of the British-Indian establishment to perform the business which devolves upon it: I shall, in conclusion, show how much temptation is given to a man to withhold a just demand, allowing the business to be conducted by an upright judge, and without any delay beyond what the law actually prescribes.

A. on the 1st of January, 1833, lends B. 10,000 rupees on a bond, bearing full legal interest, at twelve per cent., payable in one year. On the 1st of January, 1834, as the latter, finding he has very profitable employment for the money, refuses to pay it, A. files his suit for the principal and one year's interest, total 11,200 rupees. First a notification is issued, which is generally fixed for about fifteen days. No notice being taken of this, the proclamation is issued for fifteen days more. After this, it being the intention of the defendant to suffer the suit to go by default, plaintiff is called on for his proofs: he files the bond and list of witnesses, who are summoned and their evidence taken: this may

\* It is extremely difficult, often impossible, until a suit be filed, to find out how much the share of the manager, or of any one sharer, is. All the sharers often collude, so as to make the manager appear the sole owner of the village. The following instance will show the abuses we have introduced, by annihilating the native law and custom. A manager had mortgaged the village-lands for 2000 rupees. He borrowed this amount from an indigo-planter, on an engagement to cultivate indigo for him: no sooner did he obtain possession of the money than he paid off the previous mortgage, which, of course, benefited every sharer in the village-lands, and did not cultivate a blade of indigo. The English merchant was only allowed to

sue the manager, individually, whose share was a small plot of ground. This would have realized, perhaps, 30 or 40 rupees,—not sufficient to pay the expenses of the suit; and, had it been sold, the rest of the sharers would have made up the loss; for the whole business was a plan to defraud the English merchant. No such fraud would ever have been attempted under a native government; because its proceedings would have been regulated by the customs of the people; namely, that where all the sharers had benefited, all were liable. But the ignorance of the English regarding the native law and customs, is the cause of our having introduced such absurd and unjust rules of practice. •

take about ten days: it will require a day or two between each process to write the necessary papers,—so that a decree cannot be obtained under a month and a half. Plaintiff then petitions for the decree to be executed, on which defendant comes forward, declares that he intends to appeal, and gives security, which effectually stays the execution for three months from the date of the decree.

On the last day of the three months, defendant gives a petition of appeal to the superior court (Sudder Dewanee), in which he declares that he has repaid the debt; urges that the notice and proclamation were never served upon him,—the court-runners having been bribed by the plaintiff to report falsely that they had been duly served; accuses the judge of having connived with the native officers who had been bribed, in hurrying on the suit; declares that the plaintiff is known to be one of the most notorious rogues in the country, &c. The British functionaries have such extraordinary notions of the roguery of the natives, that they appear to imagine that too much leniency cannot be shown to the defendant; accordingly, if an exaggerated and violent petition of appeal be presented to the Sudder, well seasoned with accusations of fraud and bribery, and abuse of the district judge and all his officers, it is sure to attract attention, and the superior court will not only remand the case, with an order for hearing the defendant's plea, but return him the value of the stamp paper, which he has purchased for his petition of appeal, and very often, without the slightest inquiry or investigation, send word to the judge that they consider his proceedings harsh and contrary to justice.\*

By the time this order reaches the district judge, another month will have elapsed. The next step is to send a notice to the defendant to prove his plea of having repaid the money, by a certain date, on the average, at a fortnight's distance of time. The defendant takes no steps in the cause; and the judge, to avoid the repetition of an order, similar to the one he has received, sends him another notice, giving him another fortnight,

\* My readers may be surprised at this: if they were to examine the proceedings and orders of the Sudder Dewanee, their astonishment would be raised to a still higher pitch.

at the end of which, as no notice is taken of it, he confirms his first decree, and intimates to the plaintiff that it may be executed.

Plaintiff accordingly petitions for this purpose; an arrest of person and attachment of property is ordered. The defendant, being a rich man, and as no force is allowed in civil process, easily avoids arrest; but his property is attached, and a proclamation ordered for the sale. By the time this is affixed, another fortnight has passed, and the sale cannot take place for thirty days after the date of the affixing of the proclamation.

On the last of the thirty days, defendant sends some person to prefer a claim on the whole of the property attached; the investigation of which cannot well be got through, with a very little management on the part of the claimant, in less than a fortnight. The claim is disallowed; but, no matter how absurd it may have been, as it has been preferred within the period of the proclamation, the sale cannot be carried into effect until three months from the date of the order. At the end of this, an order for the sale is issued; and then defendant pays plaintiff the whole sum decreed, with his costs, and interest from the date of the filing of the suit to that of payment;—just one year! and coolly says to him, “Your interest is 12 per cent. The costs of suit amount to 8 per cent.—total 20. I have realized thirty per cent. by the use of this money during the year, *i. e.* clear gain of ten per cent. on 11,200 Rs. or 1,120 rupees in my pocket, by resisting your just demand.”\*

This mode of proceeding on the part of the defendant was introduced after the British courts had been established some time; and it became every year more frequent, until the new system was introduced, which has given some check to it. It never would have been resorted to, had we allowed the common market rate of interest to be given, instead of introducing the usury laws, in defiance of common sense, justice, and the customs and inclinations of the people. It should be observed, also, that in the courts of the subordinate judicial officers (Sudder

\* Thirty per cent. by a good manager may often be realized with tolerable security against loss: on good security, eighteen to twenty-four per cent. is the common rate of interest: and fifty or seventy per cent. is often promised when little or no security can be given, but in these cases some loss is always incurred, often very great.

Ameens and Moonsiffs), for the time occupied in a suit of the nature described, would not be above a third of the above. It is a strange anomaly, that while we are so eternally descanting on the corrupt and ignorant character of the natives, and trumpeting the praises of our upright and intelligent selves, the checks on the proceedings of the native judicial officers are much less than those imposed on the English judges. It is also worthy of remark, how fraud is encouraged where such proceedings can occur, in a country in which so much of the trade is carried on by travelling merchants, who pass over hundreds of miles of ground in the course of the year, many of whom come from distant foreign territories, and who are obliged to submit to a loss of money, rather than sacrifice the time necessary to enforce a just demand: all which is calculated on by those who buy their goods, and then refuse payment. The extraordinary, absurd, and unjust decisions, subverting the customs among the merchants, which are given in suits arising from mercantile transactions, are notorious; in particular, the almost invariable disallowing the enforcement of a recorded penalty in the event of the non-fulfilment of a contract: thus offering every encouragement to men to act in a fraudulent manner.

Much more might be said on this subject; there is, however, quite enough advanced to induce our rulers to examine the matter, and to enact the so much required improvement in our judicial system, if they are really so inclined. I hope also it will be allowed, that the propositions with which the paper commenced have been pretty well established, viz. that the term litigious, in the strict sense of the word, cannot properly be applied to the people of India; that nevertheless there is, in a given population, a much greater amount of litigation than would exist in England; that this is attributable partly to the circumstances of the country and the customs of the people—partly to our ignorance of the native habits, opinions, and feelings—partly to their own improvidence—partly to the absurd laws and rules of practice which we have introduced in consequence of this ignorance—and *mainly* to the utter inadequacy of the system which we have introduced for the administration of justice.

## No. XLIV.

A SLIGHT SKETCH OF THE ADMINISTRATION OF LORD  
WILLIAM BENTINCK.

SOME observations on the administration of Lord William Bentinck were offered in No. XI. of these papers: the present may, therefore, appear somewhat superfluous, and will hardly escape the charge of repetition. As, however, his Lordship's Government is now drawing to a close, I cannot resist the attempt to sketch a summary of the proceedings which have been adopted under his authority; especially as, during the continuance of it, some most important changes in the mode of conducting the affairs of British India have been introduced. These changes have been productive both of good and evil: not the least, in that they have caused more disappointment to the native and more discontent to the English population, both in and out of the service, than perhaps have resulted from the measures of any preceding governor.

It should, however, be recollected, that nearly three years have elapsed since the publication of that paper, affording considerable opportunity for a change of opinion on the subject of Lord William's public character and administration; and it is with considerable regret that I am compelled to acknowledge, that a more extensive acquaintance, and a closer observation of his proceedings, have convinced me, that the view which was given of these in my first essay, tends to place them in a much more favourable light than succeeding experience has justified. Like most of his Lordship's admirers, which at the commencement of his Indian career were many, I was deceived by the great professions which were made, and too ready to believe that the glittering show which was exhibited was in reality the sterling metal which it represented.

The summary of Lord William's professions is as follows:—

1st. A desire to do his best for the interests of the people over whom he was placed.



2d. A conviction that many abuses existed both in the system of Government, and the mode of its administration in the detail.

3d. A determination to make merit the test of promotion, and to adopt a plan which should prevent the concealment of indolence and inefficiency, while it enabled the able and meritorious to obtain the reward of their industry and talent.

4th. A resolution not to be a puppet in the hands of his councillors, secretaries, and other officials, but to see and judge for himself.

5th. And in prosecution of this, he invited communications and suggestions from all parties, in or out of the service of Government.

Let us now see the result of all this. The only striking features of Lord William's administration are :—

First. The abolition of the practice of *Suttee*.

Second. The judicial reforms.

Third. The breaking through the illiberal policy of excluding the natives and East Indians from office.

Fourth. The toleration of unlimited freedom of the press.

And now let us examine these a little in detail.

First. The abolition of the practice of *Suttee*.—Every friend to humanity will rejoice at this; but very little credit is due to Lord William for the measure. There was not an individual Englishman in the country who did not wish to prevent such a barbarous rite, and who would not have given his best endeavours to effect its destruction. The question was, "Can it be done with safety?" *i.e.* without occasioning disturbances and insurrections, which should cause a greater amount of evil and misery than that which it was intended to abrogate. For a considerable time this was answered in the negative; and as long as it was conscientiously believed, that an attempt to abolish *suttees* would produce more evil than the *suttee* itself, the local rulers of India were morally, and in every point of view, perfectly justified in resisting the exertions of philanthropists at home, who were ignorant of the customs and opinions of the people of India.

But opinion had greatly changed upon this subject, for several

years before Lord William's arrival in India; and, as far as I had an opportunity of ascertaining the sentiments of my countrymen, I can only say, that of all whom I conversed with, whether of the civil, military, mercantile, or miscellaneous classes, full three out of four were not only convinced, that all over Hindostan and Bengal, the suttee might be abolished with perfect safety, but were anxious to see the promulgation of a law to this effect—and this full five years before the law was actually enacted. It is obvious, that when such were the sentiments of the majority of the English in India, *i. e.* of the rulers of the country, the abolition would have been effected a little sooner or later, whoever might have been appointed to the situation of Governor-General. It is equally clear, that had the Governor, on his arrival, at once enforced such a measure, without consulting those whose long residence in India might be supposed to enable them to know something of its affairs and of the people, he would have deserved the credit of much more zeal than judgment.

Second. The judicial reforms.—The same remarks apply to this head. The utter insufficiency of the establishment for the administration of civil justice, and the intolerable evils which were entailed on the country and people, by the virtual denial of justice, had been officially, privately, and, in the public prints, so often brought to the notice of those in power, and the public at large, that it was plainly perceived that the machine of Government would not go on much longer on its old footing: nay, those who looked beyond the present, were fully aware that the almost annihilation of credit, the falling off of mercantile transactions, and the impoverishment of the country, which were the consequences entailed, in a considerable degree, by the state of the courts, whereby every encouragement was held out to dishonesty, began seriously to affect the Government revenue. Then, indeed, it became an object to remedy the evils complained of: as long as it was imagined that the people were the only sufferers, little anxiety was manifested; but no sooner did the fundamental principle, for which the British-Indian Government exists—the realization of a large revenue—appear to be in danger, than it was found necessary to introduce some improve-

ment. Numerous representations and suggestions had been made to Government on the subject; and, like the suttee case, the judicial reforms would have been forced upon our rulers, and extorted from them, whoever might have been entrusted with the government of the country.

Thirdly. The breaking through the illiberal policy of excluding the natives and East Indians, as much as possible, from all share in the Government of their country.—In this again, Lord William is by no means entitled to the whole credit. It had for some time previous to his Lordship's arrival here, been pretty generally acknowledged, that the attempt to govern the country almost entirely by European agency, had been a complete failure. Those, too, who were a little more far-sighted than their neighbours, and were intelligent enough to observe, and take warning by the signs of the times, were convinced that the old system of unjust exclusion could not be maintained much longer; and many representations of the expediency of adopting a more liberal policy, had at various times, by different functionaries, been made to Government. Nevertheless, it is but fair to allow, that Lord William deserves much more credit for his share in this measure, than in either of the two preceding measures. A considerable number of men, both high in office and in subordinate situations, were still imbued with the old prejudice of the vast superiority of the English; the inefficiency and corruption of the people, and the great danger which would ensue to our Government, by admitting them to any share of influence and authority. Dire prognostications were held forth of the evils which would be entailed by the enlightened measures which were proposed, or rather by the commencement of a more liberal system—(for it must be carried much further before its beneficial results can be fully developed); and it is probable, that with many men some years would have elapsed before the advocates of the proceeding would have been allowed to triumph. In this measure, therefore, let the full meed of praise be awarded to the decision of character of the present Governor-General.

Fourth. The toleration of unlimited freedom of the press.—This is, indeed, a measure dictated by a pure and enlarged

policy, and for which, I believe I may say, we are indebted solely to Lord William. There were some, doubtless, among the Government functionaries, who were anxious for the abolition of restrictions on the expression of public opinion on official men and measures; but they were by far too few in number to have counteracted the prejudices of the many, had they not been powerfully supported by the head of the Government. I have certainly heard observations from several men, tending to detract from the wisdom and liberality of this measure. It is said, that, after all, what can the expression of public opinion do? The circumstances of India and its population are such, that its rulers may, at present at least, with perfect safety, treat it with contempt. A weak-minded man might have been nettled and annoyed at the attacks on Government which have been from time to time poured forth; but one of strong character, and conscious of his own power, could afford to take no notice of them. Besides, it is said that Lord William is one of those phlegmatic and humorous individuals who laughs at all the abuse he may have received, and can even enjoy the wit and cleverness of a philippic, should it contain any,—feeling the force of the old adage, “let those laugh that win.” Besides this, he has very wisely looked upon the freedom of the press, both as an index and a safety valve for the public mind: to point out how far he and his masters might go: and to allow of the escape of a great portion of that discontent, which, if pent up, might have caused an explosion producing much more dangerous consequences.

All this may be, and probably is, both true and lamentable. True, as regards Lord William individually, and lamentable that the free expression of public opinion should yet have so little influence upon the actions of our rulers, and so little power to remedy the evils under which the country is groaning; still, “*gutta cavat lapidem*.” Let the press persist in doing its duty, in which it will be joined and assisted by the people;—ultimately it must triumph, and our rulers will be forced to adopt a more enlightened and wiser policy. No small share of mental strength, however, is requisite to enable a man to tolerate

being told that he is wrong, or that his measures are oppressive, even though he may not profit by what he hears. Few men in authority, either in India, England, or any other country, would submit to it while they possessed the power to prevent it. Let the full and unrestricted share of praise be awarded to the man who has borne all that has been said and published against the present Governor-General.

Let him also receive full credit for his attempts to improve the resources of the country, by introducing a general plan for the improvement of its communication by road-making—and for his attempts to increase commerce, by the opening of the Indus.

Lord William's resolution to make merit the test of promotion, and to adopt a system, &c. sounded very well : in practice, however, there has been just as much nepotism and favouritism under the present administration as at any previous period. It is also very doubtful whether the public servants, on the whole, do more than they did before. The diligent and efficient have been disgusted by the unmerited suspicion which has been cast upon them, while occasional instances of notorious idleness and inefficiency exist now as heretofore. If these are able to remain undiscovered by the Government, it is a poor result of the grand system of public reports and private espionage which has been introduced ; but in truth, some of them, to say the least, have been so well known for years to the public at large, that it is utterly impossible that the head of the Government could remain in ignorance of them.

The determination expressed by Lord William not to be a puppet in the hands of his councillors, &c. &c. has degenerated into his having too often become a tool in the hands of spies and informers, whose purposes he has been made to serve by forwarding their views, and gratifying their malice : and as to the laudable purpose for which his journeys through the country were said to have been undertaken, to enable him to see and judge for himself of its condition, and the state of its inhabitants ; had this been done at his own expense, the credit of purely good intentions might have justly been conceded to him. The

cost of his expensive journeys has, however, been defrayed, *as it is called, by Government*; that is to say, by the people of India, who are meanwhile at a loss to discover what benefits they have thereby derived, except the honour of being subject to the innumerable petty extortions, oppressions, and misconduct of his Lordship's suite and camp-followers, which in India always rise in amount in proportion to the rank of the master.

Indeed, as a general principle, although in theory it sounds well, great difficulties are opposed to the production of any beneficial effects from local enquiries conducted by a Governor-General in person. The office is of too great importance to ministerial interests at home, to be bestowed on any Indian functionary; and those who come out fresh from England, are necessarily precluded, by non-acquaintance with the language, from having any personal communication with the people. Besides, if this bar did not exist, etiquette opposes another: a Governor-General cannot, as has been before observed, go about in disguise, like the celebrated Caliph of Bagdad (Haroon al Raschid), to inspect the proceedings of his subordinates, and the attempt too often ends like the mountain in labour: sometimes, indeed, the production is by no means of so innocuous a nature; for a distorted abortion, like the present espionage system, is only an instrument in the hands of the evil-disposed, to the injury of all able and honest men. A journey and enquiry by the Governor-General, if properly conducted, might be made productive of some benefit.

As to the invitation for communications and suggestions from all parties, in or out of the service, the public have yet to learn how far those which have been offered have ever been suffered to supersede Lord William's preconceived notions; and there are not a few anecdotes current, on good authority, of positive evils—nay, instances of bribery and extortion on the part of the officials of different functionaries, having been brought to his Lordship's notice, into which no enquiry whatever has been instituted.

The conviction that many abuses exist both in the system of Government, and the mode of administration in detail, is still

nearly as strong as ever in the minds of those who possess any acquaintance with India or its affairs. It is, we may conclude, equally present to the perception of the Governor-General, if we are to judge by his non-interference system; and the implied candour and plain dealing of this measure is entitled to the highest praise. His Lordship has strenuously supported the system of non-interference in the internal affairs of the native states, simply because he is convinced, that bad as their administration may be, that of the British government is not a whit better!

But what has been the general result of Lord William's government? what has become of his determination to do his best for the interests of the people over whom he has been placed? Professions in abundance we have had; it has been a government of professions, which has begun and ended in words. It may have been his intention to have fulfilled them; but he forgot to add the qualifying proviso, that his good intentions were never to interfere with the main principle of the British Indian Government, profit to themselves and their masters at the expense of the people of India. Every arm of Government, civil and military, has been crippled by the miserable system of petty economy which has been introduced. The abominable system of purveyance and forced labour is still in full force. The commerce and manufactures of the country are daily deteriorated by the vexatious system of internal duties which is still preserved—the people are still oppressed by having the business of the courts, and offices, conducted in a language foreign both to the governors and the governed—the police arrangements have deteriorated—men are daily appointed to situations of responsibility, who, for any thing that is known of their qualifications, may be unable even to speak to the people—the people are neither happier nor richer than they were before—indeed, their impoverishment has been progressive—for, while the evils enumerated have continued in full force, the revenue screw has scarcely been relaxed half a thread of the many hundreds of which it is composed: and, to crown all, the Government servants of all classes have been filled with disgust and discontent at the imputations

and aspersions with which they have been assailed ; at the disappointment of hopes and expectations on the strength of which they left their home, their kindred, and their country, and which have cheered and supported them in the discharge of their laborious duties while exiles in a foreign land ; while the natives, the East Indians, and the English settlers, are found equally murmuring at the little which has been practically done to improve their condition.

Of the existence of these feelings among the English population, both in and out of the service, Government are sufficiently aware ; our rulers do, and may for some time to come, set it at defiance, although the evil consequences will be ultimately felt. But it is impossible they can know the extent to which they prevail among the people of the country : we have been so long accustomed to set at nought their opinions, and even to consider them as incapable of forming any, that it is almost like a new sense to entertain the notion of regulating our proceedings by the consideration of their effect upon, and reception by, the people. The day is past, however, when they can safely be treated with such contempt : they are most accurate judges of character ; and the circumstances in which they are placed, defenceless, and open to attacks from all around them, have encreased this natural quality to a degree of keenness and activity, of which the spider's eye, which is said to "*see all round,*" is scarcely susceptible. They are ever on the watch, for at present they feel their weakness, and know that they are in our power ; and bitterly do they murmur among themselves at our extortions and oppressions. They see the daily retrenchments which are taking place in every department, which, so far from benefiting them, are only an additional means of depriving them of the advantages which they enjoyed by the former expenditure ; and native soldiers, and employés of all ranks, are now wandering about the country, cursing the wretched parsimony which has deprived them of the means of subsistence, while they know that the taxes are levied as usual to the utmost, and that the money thus raised is hoarded to be transmitted to England.

All this they see and reason upon. The question is now



more strongly agitated than ever, "what right have we to rule the million for the benefit of the few?" And further, the point is also discussed, what is the amount of our power to support this right? Many influential individuals among them are now familiar with our language, and many more are daily becoming acquainted with it: a native press exists both in Bengal and in the upper provinces; and one of the leading English journals of Calcutta has lately become in part the property of a native of wealth and talent. Communication between people in distant parts of the country is daily becoming more frequent, and will become still more so. By a wise and enlightened system of legislation, all this might be turned to the consolidation of our power, and the improvement of the condition, and consequent happiness of the people of the whole Indian Peninsula; but if nothing be done to turn sentiments into a different channel from that in which they now run, the warning which predicts the downfall of the British Indian rule will not be long ere it be fulfilled.

It may be asked, why are such strictures expressed against the Government of Lord William Bentinck? What has he done more than former Governors-General of India to deserve them? It must be remembered, that as a public man alone his proceedings are here discussed; and it must be allowed that he has brought them upon himself, by his abundant professions and non-performance. If his predecessors in the high and responsible office which they filled, did little for the people and the country—if they contented themselves with the enjoyment of their ease and dignity, and all the splendour and luxury of their situation; and solaced themselves for their separation from their home and friends by the prospect of a pension after their return to England—they at least made no grand professions. But Lord William Bentinck has gratuitously placed himself in this position. He may have recommended more liberal measures to the Home Government, he may have endeavoured to rouse them to a sense of their true interests; but if so, the secrecy with which the affairs of Government are administered, has prevented the public from being made acquainted with it. And

the general result of his measures has been, to lay a foundation on which may rise consequences of greater moment, both to the English rulers and the Indian population, than have ever yet resulted from the acts of any preceding Governor;—whether these shall be productive of good or evil, time alone can show.

*December, 1834.*

*P. S.* This letter has produced some strictures, from Lord William Bentinck's admirers, who are extremely angry at the accusation of having established a system of espionage. Yet they cannot deny the fact, that, for a considerable time, secret reports were required from the commissioners, on the official conduct and private behaviour of the junior functionaries in their respective divisions; although some of these resided upwards of a hundred miles from the head-quarters of their commissioner; at stations which he only visited for a few days in the year. Also, that when the odious nature of this system caused it to fall into disrepute, that official reports were, and are still, called for from all who have any under their authority. That these reports, although called official, are kept strictly secret from those whom they chiefly concern; and that certain officers are now to be removed from their situations, in consequence of these official reports,—while the proceedings, with reference to the removed, have been very secret, and the reasons for judgment passed not given to the judged.

It is observed, that Lord William's great fault is not that he is led, but that he is too fond of leading, and acting too doggedly on his own opinion. At first sight, it may apparently be so, but not to the close observer. He who adopts a notion on little or no grounds, and then doggedly adheres to it, right or wrong, is precisely the person to be made a tool of by a designing man who possesses tact. Once set him off, he is like a *Must Hat,hee* (a vicious elephant—a common simile with the natives for a headstrong obstinate person). Only provoke him and loose his chain, when his head is turned towards the individual you dislike, and the destruction or injury of your foe is pretty certain. As to the result of his famous system, only look at the notori-

ously inefficient men who retain their situations, and who, from this circumstance, must be supposed to stand high in his Lordship's estimation,—at the drunkard, who still holds his official rank, though his habits of intoxication had continued for years, and rendered him utterly incapable of attention to his duty,—at the peculator, who is equally fortunate,—and then at the really efficient men who are in the black list of the Government books, perhaps in consequence of a secret report from some superior authority, to whom the doomed individuals have had the boldness to point out some evil. The character of the former are, and have been for years, perfectly notorious—not only to those who suffer, the people over whom they are placed—but to the English inhabitants, including the Government functionaries, by whom they are surrounded. If the Governor-General be really ignorant of these circumstances, it speaks little for his system: if he be acquainted with them, what have become of his professions?

As to the circumstance that an address has been presented to Lord William on his leaving India, and that a subscription is being raised, for the purpose of erecting a statue to him: if a tribute from the community to a departing Governor, were really an independent expression of opinion, it would be of some value: but in India it is not so. None of those in the service of Government, and but few of those not in the service, are sufficiently independent of the good or ill will of the powers that be, to dare to express their real opinion—they often do not think it safe to decline putting their names to an address or subscription, even contrary to their opinion. There never was any man in power who had not his admirers, and these are usually in power too. The way such things are managed in India is, generally, as follows:—A few individuals, who have either received benefits, or hope to gain the good will of the dispensers of the loaves and fishes, or from the love of putting themselves before the public, agitate the proposal. Some assent from similar motives; others because they dare not refuse; some because they admire the private character of the person who is to receive the mark of

public approbation; others, again, from the pleasure of an anticipated exhibition of their oratorical powers at a public meeting; and not a few from the expected enjoyment of a grand ball or dinner, at which the votaries of good eating and drinking may display the superiority of English over native manners—exemplified by the glorious practice, worthy of sailors in a pot-house, of sitting up half the night drinking toasts, thumping the tables, roaring till they are hoarse, and finally being helped to bed by their native servants, in a state of inebriety.

The servants of Government would do well to refrain from signing any laudatory address to a Governor, until they shall be sufficiently independent, with equal publicity, to express censure of his measures. Moreover, a Governor would much better consult his dignity, by declining to receive addresses from those who may, if they please, praise, but are not allowed to blame; on the same principle that a military commandant always refuses to receive a laudatory address from the officers under his command.

*Feb.* 1835.

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No. XLV.

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SUGGESTIONS FOR THE NEW GOVERNMENT—QUALIFICATIONS OF A GOVERNOR-GENERAL.

My last number contained a slight sketch of the administration of Lord William Bentinck, in which was shown the little claim possessed by his Lordship to the character of a benefactor of the people of India. He certainly contrived to deceive the public as to his qualifications, better, perhaps, than any governor who has preceded him. For a long time, his splendid talents, unwearied application to business, and anxious desire to benefit the country under his dominion, were so universal a theme for admiration and applause, that all these valuable qualities seem to have been admitted without enquiry or reflection; while some of his

admirers, not content with awarding to him that portion of flattery which his situation might, in some degree, justify, exalted him to the rank of a Hastings or a Wellesley. "Kuhan Sona? Kuhan Chandee?" to use a Hindostanee proverb; the two latter were as superior to Lord William as gold is to silver.

That Lord William, to a certain extent, meant well, and that he had a fair share of talent, of a certain description, is not to be doubted. But his mind exhibits a strange mixture of what is symptomatic of greatness, and of inferiority. Had his theatre of action been more limited, he might probably have filled it with propriety and effect; but as the planet that illumines its own sphere with sufficient radiance, throws but a feeble ray upon the earth, so a man who could have ruled a small island in the West Indies with credit and ability, might be found wholly inadequate to the government of an empire like that of British-India. For the execution of this great and responsible charge, proportional powers are requisite; a mind of large and comprehensive force, capable of taking wide and general views of the range within its eye, with a facility of seizing upon points of importance, and concentrating the force of its attention immediately upon them: great penetration and insight into character, for the selection of appropriate instruments; together with a confidence in those employed; freedom from all jealousy of the power entrusted to their hands; a willing allowance to them of a due share of authority, patronage, and responsibility, from the conviction that such conduct could alone secure their attachment, and cordial co-operation in the general good. To these qualifications must be added the ability to devise rules based upon broad foundations and sound principles, both for our political relations with foreign states, and for the administration of our internal government—capable of drawing a clear and well-defined outline, and leaving the detail to subordinate hands; while, in personal intercourse and communication with those under authority, the greatest urbanity of manner, and the most courteous demeanor, should be exercised, so as to avoid all needless occasions of giving offence, and all indications of dislike or suspicion.

Such are some of the indispensable qualifications required in

a Governor-General of India. They were possessed, in an eminent degree, by Lords Wellesley and Hastings; whereas, in many points, the very opposite are the characteristics of Lord William Bentinck. He wanted the enlargement of mind—for we may look in vain through his administration for any acts directly and entirely emanating from himself, which are indicative of a comprehensive intellect or enlightened views, on a large scale. An insight into character was peculiar both to Hastings and Wellesley: of the numbers of public officers who were selected for situations of responsibility by those noblemen, there is scarcely one who disappointed the expectations that were formed. Undoubtedly many inefficient officers were gradually raised to high appointments in the time of those two governors, but these were cases with which, personally, they had nothing to do; it was the mere routine of an exclusive service. The very reverse has too often occurred under Lord William's administration. His suspicious temper, and inordinate love of power, induced him to reject the usual and obvious modes of ascertaining the character of the servants of Government; his overweening estimate of his own abilities for judging of the characters of others, led him to disregard all other opinions; and when he discovered that he had neither the means for ascertaining who were really worthy or unworthy by his own personal investigation, he was driven to adopt the espionage system. The result of all this, added to his pertinacity in adhering to an opinion or resolution once formed, whether right or wrong, has been that a greater proportion of inefficient men have been promoted, and men of ability neglected, than in the times of Wellesley, Hastings, or even Amherst; a natural consequence of the effects of secret reports, and the influence of spies, who, of course, did not lose the opportunity to serve their friends, and injure those whom they disliked. These great defects in Lord William's character clogged and retarded the proceedings of Government in a great degree. Councillors, secretaries, boards, commissioners, and other functionaries, were gradually stripped of their authority; none of them were deemed fit to be trusted; they had all some ~~improper~~ object in view. Every thing must be referred to him-

self\*, he alone being free from taint, and capable of forming a judgment, and issuing the necessary orders. The result was, that much was left undone. Lord William's harsh measures were also rendered still more grating by the ungracious manner in which they were carried into effect; while the unfeeling remarks, by which they were sometimes accompanied, are still too fresh in the minds of my readers; and however highly Lord William may stand in the estimation of his few admirers, I believe the common observation will be found correct, that he who has himself a low and mean opinion of human nature, is, with few exceptions, devoid of elevation or generosity of mind. The experience of some men may indeed have been unfortunate, and possibly have created a bias against their species imperceptibly; but even in those cases a man of judgment would be cautious in betraying it, from the danger (seldom imaginary) that thereby men might be rendered dishonest who neither were, nor otherwise would have been so.

Again, instead of guiding his conduct by general rules and principles of enlarged bearing, Lord William's time was occupied by all sorts of petty details. In fact, these were alone within the scope of his genius. With regard to economy, for instance, his whole *forte* consisted in making deductions from salaries, discharging a few poor clerks, or uniting two offices in one, making one person do the work of both (at least issuing orders to that effect) without any regard to the dissimilarity of the employments, or the amount of duty which devolved on the officer, though it might be beyond the physical powers of two or three†.

\* On one occasion one of the secretaries recommended to Lord William that some token of approbation should be bestowed on a native who, at his own expense, had made a road of several miles: fearing Lord William had forgotten it, the secretary mentioned it a second time; on which Lord William turned on him, with a peculiar sneer, and said, "you seem particularly interested in the matter."

On another, a public officer was recommending the appointment of a person to superintend the making of the road: Lord William said, "some

friend of yours being just ready for the place." I do not vouch for the exact words; but the anecdotes are known to hundreds.

In several instances, when small sums were applied for to repair bridges or works of a public nature, Lord William's reply was, to wait till he arrived in his tour, when he would inquire into the matter.

† It is said that when Lord William Bentinck was coming out to India as Governor-General, the Duke of Wellington remarked, "He will alter the present order of things, and leave the

To adopt a more enlightened system of taxation; to create a property in land (which, in the western provinces, has no real existence), and devise some measure for checking that curse of the country—equal division of landed property between sons or co-heirs—by which every landed family is, in the course of two or three generations, reduced to pauperism; in short, to adopt any measure except such as promised immediate apparent benefit, was quite beyond Lord William Bentinck's reach. We cannot have a stronger instance than the retention of the inland customs and transit duties. The facts and documents published by Mr. Trevelyan, nearly two years ago, demonstrated, to the satisfaction of all unprejudiced minds, that by abolishing the numerous Inland Custom Houses, and levying toll only at a few grand outlets, the ultimate net revenue, in that branch, would be greater than it now is; while the deterioration, which is, under such a withering system, progressively increasing, of internal commerce, trade, and manufactures, would at once be checked, and that these sources of national and individual prosperity would be revived.

All this might be very true, but there was one evil annexed to the plan, viz. that although the ultimate benefit both to the people and to Government was certain, yet the probability is, that for the first two, or perhaps three years, after the introduction of the plan, there may be a falling off of the revenue. This was enough. To adopt a measure, of which the benefit should not appear till the time of his successor, and to face the Court of Directors with a deficit in his balance sheet, directly caused by an act of his own, was more than Lord William's moral courage was equal to.

It is, however, useless any longer to dilate on the many opportunities overlooked by Lord William to earn for himself the character of a really enlightened statesman. Many have already been pointed out in former numbers of these papers, and others will appear in the suggestions about to be advanced; we

country in a state of confusion. Why, if he sees two wine-glasses placed so (arranging them side by side), he will remove them and place them so," (wriggling one glass to the rear of the other).



have waited till the close of his administration, in the hope that some measures for the good of the country, and the improvement of the government, should be promulgated, and our hopes are disappointed. From the experience we have had of Lord William's conduct in this country, it can hardly, I think, be considered an unfair conclusion, that though he might have been fully competent to the government of any petty insular territory, of which he could make the tour in a week; visit every office; examine every account book; and discover some small overcharge in the articles of daily use in the office; he certainly does not possess the talents or qualifications requisite for the government of an empire like that of British-India. We have now had the experiment made of the busy meddling governor of detail. It is to be hoped, for the sake of the people, that our next may be of a different stamp, more from the mould of a Hastings or a Wellesley, or that, if these hopes are too exalted, that at least we may be favoured with a quiet individual like Lord Amherst, who will leave the conduct of the detail of affairs to those whose experience is better able to conduct them. Our present *locum tenens*, Sir Charles Metcalfe, not being at all secure in his present situation, and uncertain how long he may hold it, will not perhaps be inclined to commence operations, which it is doubtful how far the new Governor may approve. Nevertheless, there is a considerable field for him to leave a good name behind him.

Let us now proceed to offer a few suggestions for the Governor and Councils, both ordinary and legislative; and first, I would make a remark on the question that has been so frequently asked of late, viz. "When will the Government learn to rule the country for the benefit of the people?" It is a question much more easily asked than answered. To do this would indeed produce a new era in the history of British-India, for it would be diametrically opposite to the fundamental principle which has hitherto been the guide of our rule, viz. to realize the largest possible revenue, and to provide for as many as possible of the relations of the Court of Directors. I do not deny, indeed I have repeatedly allowed, that our rulers had no objection to the well-being and good government of the people, nay even that they

were well and kindly disposed towards them, provided it did not interfere with the primary object. Perhaps it may be urged that it is a sound and recognized axiom, that the interests of the people of any country, and of their rulers, are one; or in other words, that no nation can thrive under a bad government, the ultimate result being the impoverishment of the people, and diminution of the government revenue. This is all very true, and is well known to many of our successive Governors; and were it the custom to keep the same Governor-General for twenty years, and the same collector an equal length of time in the same district, sounder principles would ere this probably have been reduced to practice.

But the misfortune is, that no one connected with the Government has any permanent interest in benefiting the country or the people. India has hitherto been like a rack-rented estate, in which the farms are let at high rents for short leases. It is to no purpose that you urge on the farmer who is over cropping his land—"If you allow it to lie fallow for a couple of years, and spend so much in manuring it the third, this farm, which now yields barely a return of five fold, would, for several years after, produce nine fold; whereas, under your present system, it will shortly cease to be worth cultivating." The farmer replies: "This is very true, but my lease is only for three years; the chance of renewal is doubtful, so I must make what I can." This is precisely the case in India. Say to a collector, "this assessment is too high, if you make a small reduction in the revenue of this settlement, for the first five years, the land will ultimately pay more than you receive under your present plan." "I am fully aware of this," replies the collector, "but if I adopted your suggestion, I should be deemed inefficient, and lose all chance of promotion; whereas I hope to have received some other appointment before the mischief will be apparent." Propose the same to commissioners, boards of revenue, &c. the reply will be much the same. Suggest to the courts and judges any measures for the improvement of justice.—Some have not time to deliberate on them; others do not like to recommend them, should they involve any extra expense; and all and each

comfort themselves with the idea, "it will last my time," and few care what happens afterwards. Go to the head of the Government and the same feeling prevails; of which Lord William Bentinck and the internal customs and transit duties already alluded to, is a memorable example.

The time, however, has now arrived when this short-sighted and ruinous policy must be abandoned, and wiser measures adopted. Direct taxation has been pushed to the utmost: if we continue to shake the tree, without allowing the fruit to ripen, instead of obtaining what we seek, we shall only break the branches, and injure the trunk, and render it less productive the ensuing season. We must be content to leave a little to the influence of the sun and moisture, and incur a slight expense in fencing round the garden, and manuring the roots; and thus, to drop metaphor, instead of grasping at once at every thing which lies within our reach, land, goods, and cattle, to swell the amount of present revenue, we must establish security of property, especially of landed property (which, as has been before asserted, does not at present virtually exist in the western provinces); we should allow the people a sufficient profit and interest in the land, so that they may anticipate the prospect of reaping some benefit to themselves from the introduction of a better system of husbandry. We should rescue trade and manufactures from the low ebb to which they have been reduced by our grasping and injudicious transit duties; and we should place the civil and criminal administration on a footing which will not only dispense justice between man and man, but between Government and individuals. This done, affairs may then be left to private skill and enterprise; for the natives, notwithstanding all that is said about their bigotted adherence to old customs, will not be slow to follow the example of improvement which may be set them by European settlers, and there will then be a field for these which at present does not exist\*.

And here, I cannot help remarking on the great difference

\* "Rule but the country for the country's sake,  
And soon 'twill give you more than now you take."

*India, a poem.*

both of the cause and the result of increase of revenue in England and in India. In the former country, it is a legitimate source of satisfaction to a minister; if it has occurred without any alteration of the taxes, it demonstrates that the people are better off than they were before; if it be in consequence of any alteration in the taxes, or of the diminution of the tax upon any particular articles, it is a proof of the minister's sagacity in making arrangements, which have raised the revenue, at the same time that the burden on the people has been lessened; while smuggling has perhaps been diminished. In short, setting aside an artificial state of things, arising from high taxes, and high prices during a war, the increase of revenue in England can only, generally speaking, arise from the increased prosperity of the people. In India it is unhappily the very reverse. Upon the system which has hitherto prevailed, an increase of revenue has only been produced by taking so much more from the people, and leaving them so much the poorer. The main revenue is raised by a direct tax upon the land, and the only limit has yet been the ability of the people to pay; we have gone on progressively raising our demands, until the people refuse to retain or to cultivate their lands; and not until it has come to this extremity has the Government ever thought of fixing any limit on that direct tax. Other direct taxes are raised to an immense extent by a monopoly on salt, one of the necessities of life, and by a tax on law proceedings. Both of these have been pushed to an extent which falls with very great hardship on the poorer classes. I allow, however, and am rejoiced to perceive it, that better principles are beginning to be acted upon. In the settlement that is now making, for a period of twenty years, the Board are desirous to leave a fair share of profit to cultivators; and several individuals high in office are anxious to introduce a better system of internal government. I only hope that the supreme government will move forward voluntarily, and not wait until the people are roused to remedy their own wrongs.

And now let me be allowed to proceed with suggestions which, although from an anonymous pen, are offered by one who has lived much among the people, and observed closely; so that at

least they have experience and personal investigation in their favour. It is probable that some of them may be only a repetition of what has already been advanced in former papers; but as these have been by no means generally read, to repeat them may not be superfluous to present readers, nor indeed may it be wholly amiss to refresh the memory of those in power, who may have given attention to my former remarks. The suggestions are numbered, simply for convenience of reference; some of them I shall discuss in this paper, others will be treated separately.

First. To provide for the due administration of the existing laws. This, as I have elsewhere remarked, is the more necessary, because among all the complaints, which have been both numerous and just, a sufficient distinction has never yet been drawn between what is chargeable on the defects of the laws, and what should be imputed to their non-execution from the insufficiency of the judicial establishments. Until the latter be remedied, we are quite unable to form a judgment whether our laws be good or bad, or in what points they require revision and consolidation. Till then, codification, or any other labours of the Law Commission, will be thrown away.

Hitherto, revenue having been the chief object, the revenue line was the only one in which, with few exceptions, a public officer had any chance of rising to distinction. The civil judicial department had, until the last three years, been completely neglected; the police and criminal received at first considerable attention, but this has wofully deteriorated, while the civil courts have advanced in improvement. The cause is that so often complained of, the inefficiency of the establishments for administering the affairs of the country. In our Indian legislation, we usually run from one extreme to the other; we do not make proper provision for executing the laws, and when the evil has arisen to such a height that some remedy is indispensable, one department has generally been relieved at the expense of another. Formerly, in each district, one man was civil judge and magistrate, and another, styled collector, was to superintend the assessment and collection of the land rent. When it became absolutely necessary to provide for the administration of civil justice (for in

reality there was none under the old system) a very excellent plan, both in theory and practice, was devised, which has been described in No. XXIII. and others of these papers. But instead of creating an efficient police establishment, the magistracy was annexed to the collectorship; and it was said that every collector should have a deputy, between whom and himself some proper distribution of the duties should be made. This promised to be better than the old system; but as regards the revenue and police, the practical application has been a complete failure. The absurd plan of making the collector-magistrate responsible in both departments; and the vanity and love of power which induced the collectors, in many instances, to centre all authority in themselves, reduced the deputies to mere assistants, who were expected to work hard, and in reality perform a large share of the duty, while the collectors were to reap all the credit. The natural result of such a state of affairs ensued: the deputies have taken little or no interest in their duties, and though fine sounding paragraphs have been penned about "sense of duty," "consulting the interest of Government," and others of a similar description, I believe few, if any, instances could be produced of a collector-magistrate and his deputy working together with real cordiality for the benefit of the people. The collector's chief object has been the revenue duties, and the police has been left to shift for itself; while a considerable portion of the time of the collectors was occupied in making out forms, and drawing up police reports, which prevented his giving undivided attention to revenue concerns.

The result has been, that these have been too much neglected, while the police is rapidly falling into a state of complete disorganization. Crimes are on the increase; particularly the gang robberies in Bengal proper, which, unless checked, will ere long rival, in numbers and atrocity, those which were perpetrated between the years 1804 and 1809. Some of my readers will be startled at this assertion, and refer in refutation to the periodical statements of crimes forwarded by the magistrates, which show a considerable diminution during the last year or two. Were these to be depended on, they would be conclusive: if we could be-

lieve the statements and forms, the police would appear to be in a higher state of efficiency than at any previous period, whereas all those behind the scenes, who are really acquainted with the state of things, are perfectly aware that the contrary is the case. The simple fact is, that these statements are utterly incorrect; they do not show nearly the number of crimes really committed. It is one of the mistakes of the latter years of Lord William's government, to substitute forms, returns, and statements, for an efficient system. Among the people his government has been known by the name of the "Nuksha Raj" or "government of forms." The reliance that has been placed upon these returns, and the use that has been made of them, is highly absurd. In some places the strength of the police has been reduced; in others the business has been vested in the Tuseeldars (subordinate revenue officers), while in no district has the collector-magistrate sufficient leisure to pay proper attention to this part of his duty. A bad season will generally produce an increase of crime—other local or temporary causes may have some effect—no matter what the reason might be, that was rarely investigated: but should one half yearly report exhibit a greater number of crimes than the preceding, the collector-magistrate, as a matter of course, received a reprimand, which he subdivided among his police officers; while, should the amount of crime be less, a letter of approbation was dispatched to the district officers. The native police officers have been knowing enough to profit by the hint, and for the last year, or year and a half, the periodical returns from most districts exhibit a progressive decrease of crime; only a small proportion of those committed being registered.

Nevertheless, with all these concomitant disadvantages, the new system was a decided improvement on the old; and the country has suffered less injury from the deterioration of the police arrangements than from the non-existence of any civil administration. The annihilation of credit, and consequent injury to commerce and agriculture resulting from the latter, was an evil which the people had no means of remedying: the absence of a good police can in a considerable degree be provided for by the establishment of watches among themselves;

and it is probable that when the police shall have proceeded a few steps farther in its progressive disorganization, the people will altogether take the matter into their own hands.

In the mean time, wherever the civil judges were efficient men, and attentive to their duty, the courts began to revive, and something like justice was attainable; and, in the course of two or three years more, provided some requisite alterations were made in the laws, the civil administration promised to be on a footing which would leave little reasonable ground of complaint. But all this is likely to be marred by Lord William's notion of economizing, and the anomalous remedies which are in such high esteem with the British-Indian government. The number of commissioners (who were placed each over two, three, or four districts, according to their size, to supervise the revenue and police establishments) was reduced, consequently they could not perform the duties required. This is to be remedied by transferring any or all of their police duties to the civil judges. The collector and his assistants are too much occupied with revenue matters to attend to the magistracy department; and the Sudder Ameens are employed in investigating and deciding the most petty criminal complaints, to the great neglect of their civil duties, which are of infinitely more importance; so that, if this plan be persevered in, the civil courts will, ere long, be in as bad a state as they were three years ago.

It is high time that these patch-work expedients should be thrown aside, and that the administration of the country should be once for all put upon a different system. To do this, the civil, criminal, and police departments should be made almost entirely distinct. The framework of the civil administration, as far as regards courts and offices, is very good, and I would not propose any alteration in it at present. Some little improvement is required in the laws and rules of practice; and if this be done, and the courts once cleared of all arrears, there will be but little ground for complaint on this head, and at least we shall be able to see where the defects pointed out lie. It would, however, greatly tend to the improvement of the civil administration, if the judges were not only allowed, but obliged to make



the tour of their respective districts once a year, and inspect the conduct of the subordinate judicial officers who reside at a distance from the head station.

The police and magisterial department must be entirely separate from the collection of the revenue. In every district there should be a magistrate, with one head assistant and one junior assistant. By this means the magistrate could be continually making the tour of his district, leaving the head assistant to conduct the current duties of the office. Sometimes the management might be reversed, the latter being deputed to make some local enquiry or investigation, while the magistrate would remain at head-quarters. The junior assistant should attend sometimes on one, sometimes on the other of those two officers, and should also be entrusted to decide petty cases, or make enquiries in matters of more serious import. The chief utility of such an employment is as a school wherein young men should learn their duties. Were such a system as this established, the native police officers (kotwals and thanadars) might be entrusted with higher powers than they now possess, and might be allowed to decide some petty cases (such as disputes regarding trespasses of cattle and others) on the spot, instead of obliging the people to proceed perhaps fifty miles to the magistrate. The respectable landholders might be also entrusted with certain police powers, and, by a little tact on the part of the magistrates, would be easily induced to give their assistance. This would enable government to reduce the number of constables and other inferior police functionaries; and from the saving effected here, the pay of the higher class (kotwals and thanadars) might be increased, by which those offices might be filled by a more respectable description of people; while the constant visits of the magistrate would deter them from abusing their authority. But this head will of itself furnish materials for a paper.

With regard to the higher crimes, could we ensure the appointment of magistrates of sufficient abilities and experience, so as to render them fit to be entrusted with such powers, it would be a great convenience to all connected with a criminal prosecution, if sentences in all cases were at once pronounced by

the magistrates. But it will not, probably, be deemed expedient to allow them to decide finally in higher crimes than are at present under their cognizance. All heinous offences must therefore be committed for trial; and, when the civil judge has time for the duty, he is perhaps the best person to hold the sessions; for, being on the spot, it is done without delay; and so much improved is this branch of the administration, that on an average the period of detention in jail between committal and trial does not exceed a fortnight. This, therefore, may remain as it is.

Another point to be provided for is some tribunal of appeal from the orders and decisions of magistrates. Formerly this existed in the courts of appeal; latterly, in the commissioners; but the distance which the parties are often obliged to travel, (a hundred or even two hundred miles) is a great hardship; and it is now proposed to constitute the civil and sessions judges courts of appeal from the decisions of magistrates. This will give great facilities to the appellants, and form a very good check on the conduct of the magistrates; nor do I think that it would entail much increase of business on the judge; not more than could be provided for by vesting the Principal Sudder Ameens and Sudder Ameens with more authority than they now possess, so as to relieve the judge of a corresponding portion of civil duty.

But to vest the whole of the police duties now exercised by the commissioners in the civil judges, will be absurd, for two reasons; in the first place it will overload those officers with work more than they can perform; and, in the second, we shall have as many different systems of police as there are judges. This has been the rock on which Mr. Holt Mackenzie's plan of commissioners of revenue, circuit and police, has fallen to pieces. To controul and supervise the police arrangements, the best plan would probably be, to revive the abolished appointments of superintendents of police, who would correspond with, and receive their instructions direct from, Government. There should not be less than three, for the Lower, for the Central, and Western Provinces; and the most efficient men among the magistrates should be selected to hold the situations.

There remains for consideration the revenue branch ; and this may be much simplified. At present there are three grades : the boards, commissioners, and collectors of districts. The boards are useful in the same point of view that superintendents of police are required in that department : the grade of commissioners is a perfectly useless and anomalous one. If they are invested with much authority, they leave the boards nothing to do ; and if not, they are mere clogs on the business. At first, they did possess authority almost equal to the boards ; consequently these higher powers found their functions usurped ; and the mischief was, that every commissioner had a system of his own ; and at every change (which were but too frequent) every collector was obliged to learn a new mode of doing business. The boards have consequently gradually deprived the commissioners of all real authority. The latter functionaries are become mere channels of communication between the boards and the collectors, and business is consequently greatly delayed. Yet they have much to do, being obliged monthly to fill reams of paper with forms, statements, reports, and letters, all of which are of no practical utility whatever ; and, while they are not allowed any real power, they are made the scapegoats of the boards and of the judicial secretary, to wear the blame of whatever goes wrong either in the revenue or police affairs. Their sessions' duties, in which alone they were of any real use, have been transferred to the civil judges ; they are to lose their police jurisdiction ; and in revenue they are worse than useless : so that the sooner the office of commissioner is abolished the better. There are at present eighteen commissioners. The expense of these would far more than provide for a third board of revenue for the upper provinces, the superintendents of police, and the small increase that would be necessary for the magistracy ; and I am convinced that the business of those departments would be infinitely better conducted than it is at present. The supernumeraries, meantime, may be appointed to the Sudder and district courts, as additional judges (provided they be qualified) to assist in clearing off the existing arrears.

For each district, one collector and one covenanted assistant

will be sufficient, with the addition of a native deputy collector; that is, under the present system. Hereafter, the number of officers may be curtailed, when there shall exist any private property in land, and some limit to British-Indian extortion.

With regard to the routine of the service, *i.e.*, by what steps a man shall ascend to the respective situations,—this is a matter of some difficulty, and may hereafter be discussed.

I shall only now observe, that Government should beware of allowing the police administration to sink into annihilation, and of degrading the civil branch, as they have latterly shown too much inclination to do. Here we have another of the British-Indian anomalies. We have at length devised a very good ground plan for raising the superstructure of the civil administration; but it contains some new principles, particularly that of bringing forward the natives. It might have been supposed that some pains would have been taken to select men for judges who were well qualified, so as to give the system a fair trial. No such thing. Individuals of every variety of qualifications have been made civil judges; and, as the revenue is still the main object, most of the men of talent are placed in that line, and whenever a collector or commissioner is found inefficient, he is appointed to be civil and sessions judge; so that it is beginning to be considered a mark of disgrace to be placed in that situation which ought to be an object of ambition; and, when the people complain that they cannot obtain justice, the cry is, “this is the consequence of employing the natives in responsible situations.” Shame on such disgraceful proceedings! by a government, too, who are pleased to boast of the blessings they confer upon the people!

Some alteration, too, should be made in the law which authorizes the magistrate to employ the Sudder Ameens in criminal business. Their civil duties are of great importance, and the authority entrusted to them considerable; yet this is to be neglected, and their time occupied in hearing the most petty magisterial business. But this paper has been extended to a sufficient length, and the succeeding remarks must be referred to a future number.

## No. XLVI.

## SUGGESTIONS FOR THE NEW GOVERNMENT.

THE second point which claims attention in considering the future operations of the new Government, is, the existing necessity for the creation of private property in land, and of imposing some restriction on taxation. Those who have read these papers, and have looked over some of our regulations, and there found rules without end for ascertaining the rights of the different classes of people, for decisions regarding land, and other points of this nature, will be startled at this. But the truth is, that in the Western Provinces, private property in land has yet no existence. It did exist under the native governments; but among other blessings which the English have bestowed on the Indians is that of decreasing their cares, by annihilating their right to the land. I am not aware that any enactment was ever passed to that effect: we have gone a shorter and more simple way to work: we have merely arrogated to ourselves the right to assess the land at our own valuation, and to sell it by auction when the rent was not paid; and we have rigidly enforced this assumed prerogative. As long as such a system is in force, it is idle to talk of any private property in land. But again and again let it be urged on our rulers, that direct taxation has attained its extreme limits, as far as regards the net revenue to be raised thereby; that a moderate permanent demand on the land will be the foundation of the prosperity of the country; and that the ultimate result of a liberal policy on this head will be increased revenue to Government, while the condition of the people will be infinitely improved. When the natives of India see any prospect of advantage or profit from the adoption of a better system of agriculture, they will not be slow to follow the example which may be set them. Their superior condition will then produce an increase in the excise and customs, while the expense of collecting the revenue will be considerably lessened.

It is indeed encouraging to perceive that already better principles and feelings are in progress of adoption. The settlement which is about to be formed for twenty years is based on a moderate assessment of rent, so as to leave profit to the cultivators; and several functionaries in high office are anxious that, as soon as completed, it should be declared permanent. It is most fervently to be hoped that our rulers will have their eyes sufficiently opened to their true interests to induce them to agree to the proposition.

Third. As connected with this subject, I may be allowed to express the hope that Government will be bold enough to make a serious innovation in the Muhammedan and Hindoo law of inheritance and succession to real property. Under the existing law and practice, it is almost impossible that there can ever be a respectable middle class of landed proprietors to form the link so much wanted between the rulers and the common people; and I am convinced that a modified law of primogeniture might be introduced into India in such a manner as not only to leave no cause of complaint to the people on the score of interference in their peculiar customs, but so as to make them, ere long, feel and acknowledge that it was beneficial to their interests. This subject will hereafter be alluded to more in detail.

Fourth. To establish the liberty of the press by law. This has been left by Lord William to his successor. Sir Charles Metcalfe has been bold enough to carry into effect that which Lord William dared not do. But Lord William's moral courage was not of that order which would prompt him to enact any measure which he feared might incur the displeasure of his immediate masters, the Court of Directors. Many of the old school anticipate great danger to our Indian dominions from this proceeding; and, in confirmation of their fears, they point to what they consider the alteration which has taken place during the last few years in the feelings of the people towards the English, and the tone in which they express themselves. "This," they exclaim, "is the work of the press! and it will end in the expulsion of the English from India." They are greatly mistaken. The press has had no share in the creation of these

sentiments on the part of the people. Hatred and dislike to the English have long been deeply engraven on their hearts; and, though a lamentable consideration, it is but too true, that, from the treatment they have hitherto received at our hands, it would be wonderful were it otherwise. The press has, during the last five years, undoubtedly been the means of giving us some insight into the feelings of the natives, and has pointed out our own misconduct. Instead of congratulating ourselves on the innumerable blessings for which they are indebted to us, and, in utter ignorance of their real sentiments, enjoying ourselves in fancied security, and descanting on the respect and esteem in which we suppose ourselves to be held by them, we now see not only the hollowness of the ground on which we stand, but the best mode of consolidating it, and preventing it sinking under our feet. For this we are indebted to the free expression of opinion, which has informed us of the danger, but which has had no hand in its creation. Notwithstanding the assertions of those who, unable to shut their eyes to the real state of affairs, are willing, nevertheless, to account for it in any way which should save their own credit, I again and again repeat, that there is nothing in the circumstances of our being conquerors, foreigners, or of a different faith and colour from our Indian fellow-subjects, that would, of themselves, excite in them hostility or aversion. The real cause is, our own short-sighted policy and cupidity, and the consequent extortion and misgovernment which we have practised. The people of India, as I have before observed, have so long been accustomed to the dominion of strangers and conquerors of various nations and tribes, that they are almost indifferent about the matter. The individual character of their superior authority is all they regard; and if we act so as to merit their esteem and confidence, so assuredly will it be conceded to us, of which abundant proof may be adduced.

But the freedom of the press is not yet legally established; and we may still be disappointed. Sir Charles Metcalfe is but officiating *pro tempore* in his present dignity, and may be relieved before he has completed the measure; while the new

Governor may be of different politics. But after all, no local act can permanently establish the desired object: it will still be at the mercy of any Governor, under that accommodating plea, "political expediency." Nothing short of an act of parliament can place it on a secure foundation; and until this be obtained, the subject must be unceasingly agitated.

Fifth. THE CHOICE OF A PROPER LANGUAGE AND CHARACTER FOR THE PROCEEDINGS OF GOVERNMENT AND OFFICIAL BUSINESS.—Here, again, Lord William has allowed to escape him a noble opportunity of breaking through old prejudices, and doing an act of justice to the people. It is idle to suppose that the mass of any numerically great nation will voluntarily change their own language or written character; and a monstrous piece of injustice to attempt to compel them so to do; with the alternative of throwing great hindrance in the way of distributing justice. So much has been said in the late discussions on this head, that little room is left for any fresh observations. With the exception of a few bigots of the old school, whose sole reply (by them intended for argument) is the *ultima ratio* of those who have not a single reason to advance—"If it were better, why was it not introduced before?"—it is universally allowed that the Persian jargon (for it is nothing more) used in the courts must be exploded. Some who ought to have known better, advocate the adoption of English; while a few, whose understandings have not been quite blinded to the real state of things, are fully aware that the vernacular must ultimately become the language of business.

This advance ground has been gained; but then comes the battle, whether the Persian, English, or Nagree written character shall be adopted. The first of these is foreign to the people, which one would imagine a sufficient reason for its rejection. The very advantage which it possesses in expressing the Persian language is lost: the Persian language, in its own character, is certainly written faster than either Nagree or English. If this, however, be an argument for its adoption here, it would apply with equal force to its introduction into the courts in England; for it is not at all more a foreign language there than here. But



the Hindostanee language, in the Persian character, is neither written nor decyphered quicker than when its own letters, the Nagree, are used. In fact, the adoption of the Persian character to write the Hindostanee language, is as absurd as to select the English would be. As to the Romanizing nonsense which has turned the heads of so many men from whom one expected better things, it is supported by vanity, and ignorance of human nature. One is at a loss to conceive what other object its advocates have, than to transmit their names to posterity, as the founders, or at least propagators, of a new alphabet; and these are joined by others who do not like the trouble of learning the oriental letters,—while both parties overlook the impracticability of the scheme. It is truly lamentable to see men wasting, in such absurdities, those talents, and that benevolence of feeling, which might be so much better employed. That a certain portion of the people will learn to write their own language in the Roman character, no one doubts. Those who aspire to official employment, will qualify themselves in any way that may be pointed out, whether it be to acquire the Greek or the Chinese language: but to imagine that the mass of the people will, for the sake of handing down to posterity the names of a few visionary enthusiasts, give up their own character, which has been in use for centuries, is about as rational an anticipation as that the English may be induced to write their language in the Nagree. If it were merely a speculation, to amuse a few individuals, and gratify their vanity at their own expense, it would signify little, and certainly would not deserve the attention which it has received from the public: but the mischief of it is, that influence and official authority have lent their sanction to the scheme\*, and time and money are thrown away which might

\* In addition to which some of those in office who have been bitten by the mania, are in the habit of franking the Romanizing papers to the different stations in the interior: to the great benefit of the bookseller who supplied them, whose sale is thereby, doubtless, considerably increased. With all their mania, the Romanizers have not had the sense

to select the best system for expressing Hindostanee in the Roman character. Sir William Jones's may be more classical, but there are some sounds in the Hindostanee which he has given no symbol to represent. The fact was, he did not understand Hindostanee sufficiently, to know what sounds and symbols were required. Gilchrist, who was well ac-

have been turned to better account, while all real advancement in knowledge and all real improvement are retarded. There is one comfort, however, that the mania will not last. It will rise and fall with its originators. When some of these shall have returned to England, and others have departed this life, "its memorial will perish with them," save that, perhaps, a melan-

quainted with the language, has invented a much better system of expressing its sounds in the Roman character. The Romanizers of the present day were not even satisfied with Sir William Jones's plan, but must add a number of modifications of their own invention, and stupid enough they are. The distinguishing of letters by dots and dashes is one of the worst that could be devised: simply because, in quick writing, these dots and dashes would be omitted or placed wrong: and the result would be of writing *Ordoo* in the Roman character, that all distinction between the soft and harsh *d*, *t*, and other letters, would be lost; and then the pronunciation would become confused. Our *d* may answer to the Hindee soft *d*, but instead of *d* in italics, or *d* with a dot, to represent the harsh Hindee *d*, it would have been far better to have invented a new character. Gilchrist's plan of distinguishing the soft and hard *d*, *t*, &c. by printing one in the common character, and the other in italics, is equally bad, and for the same reason—that in manuscript the distinction would be lost. It is urged that some clever men approve of the Romanizing system. This proves little in favour of what is opposed to common sense. The temperament of the English mind is of that peculiar nature, that it would be difficult to devise a scheme so absurd, that some clever, and in other respects sensible, men, would not be found to join in it. Some of this description believed in Johanna Southcote's pretensions. About four years ago, a poor insane girl, a Miss Campbell, in Scotland, began to mutter gibberish, and scrawl scratches on paper, which were believed by some thousands, including some accounted sensible men, to be the outpourings of divine inspir-

ation. The sounds she uttered were noted down, and the papers, as well as her own scrawlings, were sent all over the country, in the hopes of finding some one who should be able to decypher the language and character. Abundance of what was called argument—at least as good as what is adduced by the Romanizers in support of their favourite hobby—was produced in favour of both Johanna and Miss Campbell; but the absurdity of the impostures remained as great as ever.

Fielding has observed, that the strongest arguments, only once expressed, will often fail to convince an Englishman; but that, if often repeated, although nothing new be added, he will yield to conviction.

Even if the Romanizing system were, by the help of Government authority, introduced into our offices, no benefit would ensue. It is just as easy to learn the Nagree character, as the new powers of the English letters. Our laws and regulations would, to the mass of the people, be as much a sealed volume as ever; and we should impose on ourselves the necessity of publishing every book intended for the use of the people in two characters, which would effectually prevent the publication of many, as the expense would be more than the sale would repay; whereas, with the whole edition in one character, the profit might be sufficient.

It is indeed difficult to bring one's self to argue soberly upon such an absurdity, as the attempt to induce a nation, of several millions, to change the written character, which they have used for centuries,—and that, too, made by a handful of foreigners, who, individually, rarely reside long enough at any one spot to acquire the respect of the people, or even to become ac-

choly voice will now and then be heard lamenting the time lost in its acquirement, and the uselessness of the labour undergone. Had those who have wasted so much talent, time, and money, devoted these valuable and responsible means of usefulness to the instruction of the people, or to the translation of works of information and improvement into the vernacular language and character, they would so far have conferred a solid benefit, the advantages of which would have been felt for ages to come. When a horticulturist introduces exotic trees into a climate uncongenial to their growth, he may, by extraordinary culture, contrive to keep them alive, and perhaps enable them to produce some tasteless and degenerate fruit; but no sooner has he quitted the scene of his experiments, than the trees, deprived of their artificial stimulus, languish and die away, and it is perceived that the soil might have been occupied to much greater purpose by trees of indigenous growth, which required only the sun and air to nourish them, and under the shade of which many might have rejoiced.

Great benefit, however, may yet result from the exertions of the propagators of the Romanizing plan, if the books of instruction which they have published were rendered into the native character. Thousands might be speedily disposed of; but in the Roman character they are useless. It is to be lamented that these gentlemen will not recollect that Calcutta is not all India; and that a few score boys who, by all sorts of influence and deceptive promises (for the Romanizers have not hesitated to intimate that the acquisition of this system will lead to official employment), have been induced to learn on the Romanizing plan, do not comprise the whole population. I do not deny that the publication of oriental books, particularly such as dictionaries,

quainted with them; and who, nationally, are detested by the people. In private society, ridicule is the best weapon; and one of the best modes is to hear what the Romanizer calls argument—to observe that I also have a scheme, in which I hope for his assistance—and then to repeat, as nearly as I can, word for word, what he has said, only substituting for his scheme,

that of teaching the people of England to give up the character they now use, and write English in the Nagree letters. By placing the two schemes in juxtaposition, the natural absurdity of each shines forth conspicuously,—the one being as wise, as rational, and, what is more, as feasible as the other.

grammars, and vocabularies, in the Roman character, may be useful to Englishmen : with such facilities, many would acquire some colloquial knowledge of the language of those with whom they were destined to transact business, who otherwise would have remained ignorant, owing to their dislike to take the trouble of learning a new character. But the general education of a whole nation can only be attempted, with any chance of success, in the vernacular tongue and letters ; and they have a right to demand, in common justice, that these shall be the medium of communication in the courts and Government offices.

But to the point. The character already in use among the people ought to be that of the courts and Government offices, *i. e.* the Bengalee for Bengal proper, and the Nagree for Hindostan. The latter is certainly a stiff character, and not written quite so quickly as either Persian or English, but this is a trifling disadvantage compared with the advantages of having but one character in use all over the country.

At present, it is not uncommon to see filed in one suit on trial, papers in Persian ; in the Ordoo language and Persian character ; in Nagree ; in Mahajundee ; and in English. The old objection, that the Nagree is with difficulty decyphered, has been over and over again answered. Those who are well taught will read it with fluency. The varieties in the letters are not greater than exist in our own English alphabet ; and not only would these gradually die away, but the letters would, in all probability, be simplified, and a much quicker mode of writing introduced by practice. Let any one examine English manuscripts of only two, or even one, century old, and observe the flourishes and turns attached to half the alphabet, to be convinced of the truth of this observation. The grand advantage, however, would be an improvement in the administration of justice, and the stimulus which it would give to the education and improvement of the people. The mass of the people would then be able to read and comprehend legal proceedings, and, in minor suits and trials, could manage their own business, instead of being at the mercy of a set of low attorneys, whom they are now obliged to employ. As to education, ask a shopkeeper, a

farmer, a village accountant (putwarree), a servant, or, indeed, any of the lower or middling classes, "Why do you not teach your son English or Persian, which would qualify him for Government employment?" His answer will be, "my son's labour is too valuable to me, to allow him to spend many years in studying a foreign language, nor could I afford the expense requisite to pay the tutor." Urge him to teach his children to write their own language in the Persian or Roman character, he replies, "this might enable him to keep their own accounts, but would be useless in the transaction of business with their own countrymen." But when the question was merely to learn a slight variety of the alphabet already in general use, there can be no doubt but that the Nagree prescribed for the Government offices would immediately be generally adopted all over the country. To the English functionaries the advantage would be immense, in having but one language and character to acquire instead of two or three; and they would, of course, be much sooner and much better qualified than they now are to administer justice, and transact the business of the country. Under the present system, there is scarcely an English functionary in the Government employ who could transact the most trivial business without the assistance of natives to read, write, and explain for him.

The grand objection, after all, which influences the majority of the existing race of Government functionaries to oppose this most desirable change, however reluctant they may be to confess it, even to themselves, is the dislike to the trouble of having to acquire a new character, after having been accustomed to an old one! But surely such a feeling as this ought not to be allowed to stand in competition with the welfare of a whole people, which would be promoted by an improved system of the administration of justice and the spread of education. Nothing short of a positive order from Government, however, will effect the change. But let it be once issued, and the object will be attained without further difficulty. It is like a project for introducing a new and improved system of drill for the army: if the commander-in-chief were to consult every officer, and listen to the variety of

opinions which would be offered, he would never arrive at any satisfactory conclusion, nor would the change be adopted; the main objection being, in reality, the dislike which the officers had to go to school again. The military chief would pursue a different plan: he would consult a few officers of intelligence and ability, and, being himself satisfied with the superiority of the plan about to be substituted, would order it to be introduced into the army. This would speedily be effected; and in a few years the old system would be forgotten, or only remembered as an obsolete practice, which was happily exploded.

Let this example be followed in regard to the abolition of the Persian, and the introduction of Bengalee and Hindostanee, for transacting the business of Government, the beneficial effects would ere long be apparent, and would be much greater than are at first sight easily conceived. Justice would be better administered. Translations would be made into, and books composed in, those languages; and, in a very few years, we should look back upon the exploded system, wondering at the absurdity of our predecessors who had maintained it so long. At the same time, to promote still further the improvement of the people, let us as much as possible diffuse instruction in the English language; and, in the course of twenty or thirty years, when the present race of native officials shall have passed away, it is probable that from Calcutta to the Sutledge there will not be found five hundred natives acquainted with the Persian language or character. All that is necessary, to prevent a check to business, is, to prescribe a certain period within which all persons now officially appointed must either qualify themselves in the new mode, or quit their situations; and, with the exception, here and there, of a bigoted individual, or some who were tired of work, and had accumulated a sufficiency to live in independence, it would not, when the time arrived for the change, be necessary to discharge a single officer, English or native.\*

Sixth. TEST OF LANGUAGE.—A law, fixed as those of the

\* Since this was written, Government have authorized the experiment to be made in the Sagur and Ner-  
budda territories; and although it has only been begun about a month, it already promises well.

Medes and Persians, should be enacted, that no one in the employ of Government, civil or military, should be vested with any authority or controul over the people, until he had acquired a tolerable knowledge of the vernacular language and writings. One of the arguments for introducing English into the courts is, that the judges, at least, could understand the proceedings; whereas, at present, neither party does. This is true enough, and lamentably also; particularly as it is caused by our own absurdity in making use of a language foreign to both parties. But it is one of the disgraceful instances of the little attention paid by the British Indian government to the real interests of its native subjects. Almost daily are Englishmen placed in command of troops, in staff employ, in situations where they have to superintend mercantile transactions of considerable importance, or large bodies of native workmen, nay, even to preside in court, as judges and magistrates (for though they are designated by the titles of assistant to a political agent or others, this is in reality, their duty), who, for anything that Government know or care, may be quite unable to hold the slightest communication with the people! When such a state of things as this exists, surely such a law as is proposed is absolutely necessary.

Seventh. PURVEYANCE AND FORCED LABOUR SYSTEM.—I must be allowed to request the members of Government would once more turn to No. XXV. of these papers treating of this head, and describing the infamous extortion and oppression which are practised. If they think them exaggerated, let them appoint a committee of impartial men to investigate the matter, and then some remedy might be speedily hoped for.

Eighth. CODE OF LAWS.—The law commission is, I believe, already employed in consolidating and revising this; and though the work proceeds but slowly, the boon will be great when we receive it. One only point I shall here notice. Many very useful modifications or new enactments are from time to time proposed by various judges and other functionaries to the superior courts and boards, and even to Government, most of which are deposited in the office, and remain in oblivion. I do not blame the higher authorities for this, as I am well aware their

time is fully occupied in the current duties of their respective offices; but now, under the new law commission, we hope a different course will be pursued. It should be the duty of the secretary to the commission carefully to note down every suggestion made relative to the modification of the existing laws; to bring the same before the members, who should decide upon the rejection or adoption of what was proposed; and, in the latter case, whether the amendment should be immediately brought into force, or placed on record to be again brought forward at a general revision.

One point requires speedy attention, *i.e.* to check the arbitrary, unjust, and illegal measures of the Supreme Court in extending its process all over the country; and to annihilate "constructive residence," and all the rest of the technical jargon and illegality contrived to fleece honest men for the support of the dignity of the court, and for the benefit of the lawyers.

Ninth. CUSTOMS AND TRANSIT DUTIES.—This withering system, so destructive of all commerce and manufactures, has been so often alluded to, that little is left to say; and, indeed, there is but one opinion on the subject. No man doubts that ultimately, if these vexatious restrictions were abolished, the revenue would increase, while the people would be relieved from incalculable oppression and inconvenience. All are agreed on this point: all that we want is a Governor with sufficient resolution to face the storm which the Court of Directors would probably thunder in his ear on perceiving the immediate deficit. Let us also hope that our rulers, both here and in England, may unite their strength in endeavouring to procure from parliament the abolition of the unjust taxation of India in the form of high duties on her staple commodities. On this head, indeed, the prospects for India are cheering. Owing to the popularity-hunting measures of the ministry, the West Indies will, in all probability, very soon follow the fate of St. Domingo; the field will be open for India; and the superior cheapness with which we can raise colonial produce here, will ensure us the monopoly which the West Indies have hitherto enjoyed by means of unjust laws and corrupt influence.



Tenth. TEST OF ASCERTAINING THE CHARACTER OF PUBLIC OFFICERS.—Let us hope that this subject will meet with speedy attention. So far from complaining of the establishment of a test of this nature, all in the Government employ, who possess any good feeling, and a real wish to do their duty, so as to promote the welfare of the people, would rejoice in the establishment of some system by which the able and zealous might receive the reward of their exertions, while the indolent and inefficient officers would be kept in subordinate situations. But this neither has nor will be accomplished by a system of secret espionage. Let us hope that our next Governor may, unlike Lord William Bentinck, be one who knows how to raise a man in his own estimation by confidence and encouragement; and that needless distrust, suspicion, and detraction, must ultimately destroy all high principle and probity, together with zeal and ardour for the public good.

Official reports are a legitimate source for ascertaining the character of public functionaries. There can be no objection that the head of an office should report on the qualifications of those who are placed under him; only let the reports be public, and let them be shown to those whom they concern. But although in theory it sounds well, little practical utility will be derived from these reports, unless some defined principle be laid down on which they are to be made. At present, all is vague, depending entirely on the character of the reporting officer; and, as almost every man prefers his own opinions to those of another, he will be guided by his own practice and conduct in estimating the behaviour of his subordinates: the nearer this approaches to his own standard, the more efficient will he consider them. I will put aside cases where personal friendship or personal dislike operate to produce a favourable or unfavourable report of those under the authority of the reporter (of which, however, India will afford but too many instances), and will view the subject in another light, viz., that, owing to our exclusive service of routine, many of the higher functionaries are, as public officers, greatly inferior to their juniors. For instance, Mr. A., the commissioner, is desired to report on the qualifica-

tions of the collectors under him; but Mr. A., as all who suffer from being subject to his authority well know, is a stupid man, utterly ignorant of business and the customs of the people, and, in reality, quite unfit to hold even the situation of a deputy-collector or head assistant. On the other hand, one or two of the collectors under him are able and active men, who are promoting the public good; but the measures they wish to introduce are very different from those prescribed by the commissioner; and as persons of moderate capacity often entertain the highest opinion of themselves, he finds fault with them in his reports to Government. Unfortunately he is not obliged to enter into particulars, and state the reasons which induce him to disapprove of their conduct: he only reports, in general terms, that he has cause to be dissatisfied with the proceedings of Mr. C. or Mr. B.: so if Government should be ignorant of his real character, the reports of a fool have the power of injuring the prospects of a really efficient man. This is no imaginary case; it has taken place and is going on at this very moment. Some commissioners stand high in the opinion of the board, who are notorious among the people for their inefficiency, and, in one or two cases, for corruption.

The real standard of the character of a public officer ought to be, the opinion of the people; but it will be a long time before the free expression of this will readily find access to Government. In the mean time, a test may at least be established on certain fixed principles. If public functionaries, before being appointed to any new situation, were obliged to pass an examination regarding a knowledge of the laws and customs of the people, the Regulations of Government, the best practical mode of doing business, and of regulating an office, on a system defined by Government, and not left to the caprice of each examining officer, it would at least insure that they possessed the groundwork knowledge, without which no man can be fit for public employment: but this has been already treated of more in detail in No. XXXI., to which I beg to refer those of my readers who are interested in the subject. Let also reports be made; but instead of being confined to general terms, let every reporting

officer be obliged to state his reasons for the censure or approbation he bestows, and to send a copy of his report to those whose conduct is animadverted on.

Eleventh. The anomaly and indecision which has hitherto characterised the British-Indian government, should be abandoned for a system founded on fixed principles. For numerous instances of the absurdities induced by the present mode of conducting affairs by temporary rules arising from particular occasions, but made generally applicable, see No. XXVII.

Twelfth. The impediment to improvement caused by the present mode of conducting the service of Government; that is, the inveterate prejudice in favour of the abilities and capacities of our own countrymen for all and every appointment, to the injury and exclusion of the natives; so that, to give a few instances, a man who hardly knows a horse from a cow is placed in charge of a large stud; another, equally ignorant of the duties it involves, is appointed civil engineer and architect; a third, who knows neither how to draw nor to take an observation, nor the use of a single surveying instrument, is employed to make a map of a district; and so on. Numerous instances of which will be found in detail in No. XXIX.

Thirteenth. INTERCOURSE BETWEEN THE ENGLISH AND NATIVES.—To this subject I have already devoted several papers, and shall shortly offer some additional observations in detail, which would exceed the limits of the present numbers.

It will be sufficient at present to suggest the propriety, not to say necessity, of some rule on the subject being laid down by Government for the regulation of all that relates to official intercourse, and that it should no longer be left to individual caprice or inclination.

Some points, on which I have not entered sufficiently into detail in this number, must be left for future discussion; and others on which I have not touched will be hereafter brought forward.

*May 15, 1835.*

## No. XLVII.

## PRESENT STATE AND FUTURE PROSPECTS OF OUDE.

THE state of this kingdom has, during the last two years, excited considerable interest, and produced no small portion of discussion in the public prints. Like most others, it has had its day, and given way to succeeding topics of temporary interest, and possibly might have been altogether forgotten for the time being, had not the attention of the public been again drawn to the subject by the recent instructions of the Court of Directors, empowering the local government boldly to throw off the mask, dethrone the King of Oude, and annex his dominions to those of the East India Company. The motives of the Court in issuing such orders are obvious enough—gain. Situated as Oude is, locally, the taking possession of it would not require us to augment our military force, whereas, it is anticipated, that after defraying the expenses of its civil administration, a considerable surplus would remain for the benefit of the Company; besides which, its acquisition would render our territories more compact. Some time ago, an exchange was effected between the Saugor territories and Scindia of several small tracts of land\*, to the great benefit, considering the locality, of both government and the people. The Court of Directors strongly disapproved of this: yet they sanction the seizure of Oude in the face of existing treaties. Why? They gained nothing by the former; they hope to gain considerably by the latter.

The above instructions were received in India just before Lord W. Bentinck resigned the reins of government. Instead, however, of carrying them into effect, his lordship sent home a remonstrance. It is not so easy to divine precisely Lord William's motives for so doing. In all probability, however, they were of a mixed nature. In the first place, he had sufficient experience and discernment to perceive, that the misgovernment

\* Deosee, Gourjhamur, and Nahirmon, were exchanged with Scindia for Bairseea and Shajawulpoor. There were some other petty exchanges, the names of which I have forgotten.

so generally attributed to the native states, had been considerably exaggerated; while, on the other hand, that the advantages enjoyed by the people under the dominion of the British government were not quite so great as national vanity and prejudice had led us to imagine. His frequent travels into the interior of the country had, probably, led him to this conclusion, and prevented him from being led away by the popular clamour. Among the deficiencies of Lord William's character, want of observation or intelligence, are by no means included; all that is to be lamented is, that with natural abilities for acquiring information, and such ample opportunities for receiving it, so little benefit has resulted either to the country or the people. For any improvement in the state of either, which has hitherto appeared, Lord William might just as well have remained in Calcutta; for his only real beneficial measures, those of improving the administration of justice, and throwing open situations of honour and trust to the natives and East Indians, were resolved upon very shortly after he assumed the Government. Indeed, they had so long been recommended, and advocated by so many well-informed and influential men, that their speedy adoption would have occurred, whoever might have been the existing governor; at any rate, they could not have been long delayed. A second reason probably may have been, that Lord William's immediate departure was at hand, and that another would have had the glory of displaying the balance sheet, showing the increase of revenue, which the seizure of Oude is expected to produce. Had the order been received a few years before, it is probable the result would have been very different.

Whatever may have been the motives which prompted the above line of conduct, the appropriation of the territories of Oude have been postponed for at least a year; and I propose, in the mean time, to take a view of the state of that kingdom. We have heard so much of the anarchy and misrule prevalent in Oude, that it appears a sort of heresy to hint the contrary. We are something like the Turk who had all his life so firmly believed that the sun moved round the earth, that to adopt a different idea was like the attempt to acquire a new sense, which

his mind had not room to entertain. Nevertheless, I do not fear contradiction to the statement I am about to make from any unprejudiced and impartial observer, who will visit the country, and see and judge for himself.

First. The uncultivated state of the country is one of the common assertions. Now, in the first place, the rent demanded from the people is much less than in our own provinces; they are consequently not only much better off in the number of their flocks and herds, the quality of their food, clothes, and other necessities of life; but are not, as is the case in our provinces, compelled to cultivate every spot of ground which can possibly be made to yield a return, where, while the people are obliged to work much harder than the Oude peasants, they must be content with a bare subsistence. It may here be remarked, that the mere extent of cultivation in a country, unconnected with other circumstances, is by no means a criterion of the prosperity of the agricultural class: it was not unfrequent in the West Indies, that those estates were the best cultivated, and yielded the greatest return, whose slaves were in the most miserable state. The simple fact is, that in Oude the peasants retain so large a share of the profits of their labour, that they are not so necessitated to cultivate other than the good soils, while the waste yields them brushwood for fuel, and grazing for their cattle. With regard to the following parts of the country, I can speak positively, for I am myself acquainted with some, and within the last few months, friends, upon whose testimony I can rely, have visited them. From Lucknow to Seetapoor is well cultivated; from Lucknow *via* Sandee, and from thence, branching off either to Shahjehanpoor or Furrukabad, was a perfect sheet of wheat and barley the whole way, while groves, or rather forests, of mangoes and other fruit trees, are so numerous, that in many parts of the road they actually bound the horizon in every direction. The same observation will apply to the roads between Lucknow and Futtehpoor, and Lucknow and Benares. Between Lucknow and Cawnpoor, there are large parts of waste land; and certainly, to the eye of an unobservant traveller, there is little but a barren

waste: the truth is, that much of the land is not worth cultivating; yet even here industry is busy, wherever a return may be expected. In the march from Onnao to Rehmutgunj, on the north of the road, and at no great distance from it, are a number of large shallow tanks, of which advantage is taken for irrigation, as far as the water will flow; as the traveller finds to his annoyance, from the great number of large artificial water-courses (upwards of twenty in one stage) which cross the road. Numerous groves of mangoes also were observed; in a distance of about a hundred and thirty miles, not less than sixteen, of considerable extent, were counted close to the road, which had been planted either this year or the last; besides others from three years' growth upwards; most of them were surrounded by a bank or ditch, and one or two had wells lined with masonry. This does not look like insecurity of property, or poverty; for the mangoe, in that part of the country, does not yield any tolerable return until fifteen years. Plantations of betel vine are also to be seen; and one was just completed near Sooltangunj, on an artificial mound of earth, the raising of which must have cost two or three hundred rupees.

The police is at least as efficient as our own, and it receives considerable assistance from the landholders. Crimes such as gang robbery and affrays, are certainly not more numerous than in our own territories. Burglaries and small thefts are less so. The tranquillity of Lucknow itself is remarkable; few people carry arms; and affrays, thefts, and quarrels, are far less frequent in proportion to its size, than in the average of large towns in the British provinces. In the interior, at least along the high roads, there are police stations and guard houses, at a distance of a few miles from each other, who keep up a good patrol. The police in Oude are allowed to interfere in many petty matters, to the great benefit of those concerned. If a traveller refuse to pay a shopkeeper a few pence for the food for his horse; if a cow strays into a field and eats a few pennies-worth of corn, the sufferers are not denied all redress, unless they submit to the loss and inconvenience of travelling perhaps from ten or a hundred miles, and wasting three or four weeks in attendance on a court of jus-

tice; to say nothing of legal expenses and exactions. In Oude, these and other trifling matters are settled at once, by the local authority; whereas, under our system, the police are prevented from interfering; so that in practice, all these minor abuses are virtually sanctioned, or at least tolerated; and, as a natural consequence, they are far<sup>r</sup> more numerous in the British provinces than in Oude. Indeed, if the fashion which has lately obtained among our magistrates, of taking it for granted that the police always abuse their authority, and if the restrictions which are now imposed upon them be much further extended, it would be much better to abolish the police altogether, and leave the people to make their own arrangements, and enact their own rules on this head.

Civil justice is entrusted to the chuklidars or aumils (governors of provinces) who also are vested with the criminal jurisdiction; and the assessment and collection of revenue; as in our non-regulation provinces, the same individual is judge, magistrate, and collector. Doubtless, instances of partiality in favour of individuals is sometimes shewn, but it is very doubtful whether this is more frequently the case in the British provinces. The difference is, that there the aumil, being a native of the country, has greater temptations to oblige his relatives and friends than the English functionary, who is a foreigner: individually, the amount of partiality practised by the latter is infinitely less than by the Oude aumil; but then we consider the roguery, chicanery, and intrigue which is carried on by the native officers of our offices (it being a part of our system to give such inadequate salaries to the majority of the situations, that no honest man would accept them), the difficulty the foreign judge labours under to enable him to counteract this, and the pressure of business which devolved on him, I have no hesitation in saying, that previous to the reformation of the civil administration, corrupt influence had greater effect in our courts than in those of Oude; that this observation will still hold good regarding many of our civil courts; and that if the present system of making judges of all the inefficient officers, be carried much farther, the state of things will be as bad as ever!

In Lucknow, and some others of the large towns, consular



civil judges are appointed on respectable salaries. In some cases as much as a thousand rupees a month; of which one-fourth is the perquisite of the prime minister, and the remainder *bonâ fide* paid to the individual. With respect to corrupt influence and partiality, the foregoing remarks are pretty applicable here. Probably these evil principles have greater effect in the city of Lucknow itself, as being the residence of a host of profligate courtiers, than in the interior. Delay in the decision of suits, either by the aumils or the judges, is less than in our own courts (taking the average of able and inefficient judges) even on the improved system.

But in Oude, the people have one great resource, of which they have been deprived, in a great degree, in our territories. Not having been cursed with "first-rate collectors," who would ruin a district to procure a good name and promotion for themselves; or with ryot-war systems, by which almost all the middling and upper ranks of society have been reduced to poverty to increase the Government rent-roll; there is still in Oude a pretty numerous middle class of landholders, to whom the people look up with hereditary respect, and who are of the greatest use in settling claims and disputes; so that but a small portion are ever referred to the aumils. In the towns also, the merchants are very much in the habit of resorting to arbitration.

The observations on the subject of corrupt influence and partiality are equally applicable to the administration of criminal justice. In theory, the British Government and English magistrates do not tolerate any thing of the kind; but owing to our system in the appointment of the subordinate native officials, who too often enjoy all the subordinate authority, while the magistrate is a mere cypher, the evil exists fully as much in our provinces as in Oude.

Still, it will be urged, that the constant insurrections proclaim an oppressed people; and that the Government officers in Oude cannot collect the revenue without an armed force. They certainly have occasionally a rough mode of managing matters in Oude; nor do they carry on their business in the systematic manner in which ours is conducted. Moreover, every thing

there is magnified and commented on, as if nothing of the sort ever occurred in the British dominions. It may, however, well be doubted whether disturbances, which merit the name of positive insurrections, are much more frequent in the King of Oude's dominions than in our own; the difference chiefly lies in the different terms we employ to designate them; what we call "insurrections" there, would, on our own side of the river, be denominated "petty disturbances." Within the last ten years we have seen a very serious insurrection in the Saharunpoor district; more than one of some consequence in the Delhi division; a minor one, respectively, in Meerut and Moradabad, another of greater importance within twenty miles of Calcutta, all of which were only prevented from becoming very serious, by strong bodies of well-disciplined troops being close at hand; to say nothing of that of the Coles, on the south western frontier, which, owing to the scarcity of troops in that direction, and the unhealthy nature of the country, raged for more than two years, and which was not suppressed until about five thousand square miles of territory were laid waste. With the exception of one, that near Calcutta, the whole of these were the result of misgovernment, and the consequent tyranny and extortion on the part of the officers of the courts and police. Can such a list be compiled from the history of Oude during the same period? It is amusing to see the different causes which we assign for an insurrection in Oude, and in the British provinces. The former is, as a matter of course, attributed to oppression and misgovernment; the papers teem with philippics, and loud calls are made on our Government to bestow the blessings of their rule on the "*poor suffering people of Oude*." In the latter, "villainy of some classes of natives;" "instigations of the evil disposed," and others of a similar nature, are given in explanation.

With regard to the necessity of an armed force to collect the revenue; if men were not blinded by vanity and prejudice, they would perceive that this does not prove that people are taxed to the utmost; but that in reality they are much more lightly taxed than our own subjects; for the simple reason that the Oude government has not at its command the overwhelming military

force to support extortion, which we possess. The people find their account in resistance, as it enables them to pay less, and keep more for themselves. When we first acquired possession of the western provinces, resistance to the payment of the revenue was frequently offered. The people, however, found by experience, that a military force was always at hand, which it was impossible to resist; that it was immediately called into action, and the severe punishment of forfeiture of the estates of the insubordinate was almost immediately enforced. In Oude, the very reverse is the fact. The very weakness of the king's government, as regards military force, is one reason why exaction cannot be pushed to the same extent that it is in our own provinces. Besides, the real truth is, that in many cases, the resistance is merely nominal, "for the honour of the thing," as described in No. XVI. of these papers; while so much more lenient is the Lucknow administration than our own, that the punishment inflicted rarely exceeds a moderate fine. Those, too, who have heard so much of the strong-holds of rebellious zemindars (landholders) will be surprised to hear how few forts really exist in Oude. In Kyrabad, and some of the wild jungly districts, they may perhaps be pretty numerous, but in other parts of the country it is quite the reverse. On the whole length of the five roads above mentioned, which traverse well peopled districts, there are not ten forts visible to a traveller from the roads. In one line, of more than a hundred and thirty miles, viz. from Khanpoor to Lucknow, and from Lucknow, *viâ* Sandee, to Futtehguth, only one is to be seen from the road.

Another proof constantly adduced of the misgovernment of Oude is, that men of low birth are raised to offices of rank and importance. That such an objection should proceed from Englishmen is extraordinary, when we consider that in our own country, this very circumstance is one in which we pride ourselves. It is quite the boast of an Englishman, that he is free from that prejudice which imposes such severe trammels on other nations; that real talent, however lowly its origin, is sure to make its way to eminence; and that a butcher's son may be Lord Chancellor. The objection, too, comes with a peculiarly

bad grace from the English who are employed in India, nor would it gain much, were it to be placed on the higher ground, that men without talent or qualifications were raised to high situations.

For a considerable time after India came into the possession of the East India Company, the members of its service were composed of men of low birth and little education; to say nothing of broken-down gentlemen, and men who, from some misconduct or other, had found it convenient to absent themselves from England. Not many years since, any one could command a writership by paying a certain sum of money, while many a tradesman's bill has been paid by the appointment of a son or nephew to a cadetship. In the present days, undoubtedly, the service is, generally speaking, composed of men who are by birth and education in the rank of gentlemen; but has merit or talent anything to do with the selection of those who are annually sent to be "provided for" in India, either by the cholera or good appointments? And even after their arrival here, the nature of an exclusive and routine service has, together with interest, so much sway, that merit has, with few exceptions, nothing to do with their subsequent and progressive promotion. I could mention a quondam member of council, whose talents and qualifications were about on a par with those of an inferior clerk in a merchant's counting-house. Notwithstanding Lord William's merit-fostering scheme, and all his espionage to boot, there are several men now holding the situations of commissioner, judge and collector, whose places would, as far as the administration of the affairs of the country and the interests of the people are concerned, be far better supplied by their respective surishtedars (head native officer, a sort of clerk of the court).

"But," it will be observed, "if the English are not men of talent, they are at least honest, which the native officers are not." I reply,—The English functionaries, in responsible situations, receive each from 2500*l.* to 4000*l.*, and even 6000*l.* sterling, a year. The salaries of the members of council are still higher. The pay of the native officers is from 100*l.* to 150*l.* Try the same experiment with the natives that has been tried with ourselves,—(for, as I have already observed, it is notorious that,

until they were well paid, English honesty would not stand scrutiny), and then, and not till then, may we pronounce a judgment as to the difference that exists between us. With respect to Oude, there are, unfortunately, many profligate and low people about the court; but it is a calumny, that all the governors of districts are men of that stamp, or that the districts are universally farmed out to the highest bidders. The court of Lucknow are well aware, that the landholders and peasantry are, in the absence of a superior military force, far too high-spirited to be ruled by men of the above description. A great many, perhaps the majority, of the Oude aumils, are not only men of family and respectability, but generally possess considerable hereditary landed property. It is in our own provinces that we must look for the degradation of the old native gentry, and the elevation of upstarts, of neither birth nor education; there it is we may behold men who were formerly menial servants in the employ of Englishmen, and who have neither the talents nor acquirements to entitle them to hold a higher situation, lording it over native princes and landholders, who were once possessed of considerable wealth, power, and influence.

Still it will be observed, How could the idea of the misgovernment of Oude become so general? Because opinions which flatter our vanity are usually received with eagerness; and because ignorance and indolence are glad to acquiesce in them, instead of taking the trouble to make inquiries for themselves. A summary of the principal causes, however, which have concurred to establish the above opinions, may not be amiss in this place.

First and foremost stands the fixed creed of the English, that everything of English origin, or appertaining to ourselves, must be superior to everything connected with the natives. Oude is a native government,—*ergo*, it is very inferior to the British rule. This logical deduction is quite sufficient with a great many; they never advance a step beyond it; and, with the greater number, it more or less prepares the mind to receive favourably all accounts to the disparagement of any native government. It also forms the foundation, often, indeed, the whole superstructure, of the lucubrations of Calcutta cockneys, whose qualifications

for forming an opinion of anything connected with India, beyond the precincts of Bow bazaar, and the characters of a few of their own servants, are precisely on a par with those possessed by General Pillet\* for describing the manners and customs of England.

Those who travel in Upper India, particularly if they visit Oude, must be able to form some opinion. Granted; and it is to the unprejudiced and observing of these that I would appeal; but not to the mass, who are as ignorant as the Calcutta cockneys. Of the civilians, few ever visit Oude: those employed in the border districts have been too glad to look upon that country as the scape-goat to bear the blame of the inefficiency either of themselves or their police;—"the banditti and the thieves come from Oude," is the burden of their song, and this has, by some, been so often repeated, that at length they believe it; while others, from the first, knew no better, and were misled by their police to adopt the notion. I do not know what the magistrates on its borders would do for an excuse, if we take possession of Oude. The poor king and his governors are obliged to bear the imputation in silence, but were the country under British functionaries, these would contradict the assertion, and retort it on the accusers.

As to the military, the grounds on which the majority form their opinion are as follows:—A great many have seen no more of Oude than the road between Khanpoor and Lucknow, along which are considerable tracts of unculturable, and consequently waste land. They seldom or never look around them, or ask a question; but, as a matter of course, attribute the waste land to the oppression exercised upon the inhabitants. The servants of others are sometimes beaten for attempting to enforce the purveyance and forced-labour system, which they are accustomed to

\* Many of my readers may not recollect to what this alludes. A few months before the peace of 1814, a French general, named Pillet, was taken prisoner, and confined on board the hulks at Chatham. At the peace he was released, and immediately returned to France, where he wrote a book describing England and English manners. Among other things, it was

stated, that the English ladies daily got drunk upon French brandy; the rest of it was much in the same style, and was so extremely absurd, as to be quite amusing. It was, however, about as correct as the notions entertained by the majority of those who have never left Calcutta, relative to the interior of India.

do with impunity in our own provinces; and when the masters abuse the people, they sometimes meet with the retort courteous; because the peasantry there, not having had, like our subjects, their spirits completely broken by a grinding system of extortions, are more independent, and less inclined to submit to these exactions and abuse. This, of course, produces furious complaints of the misgovernment of the country, and the insolence of the people.

A third and very numerous class have never been in Oude: but form their ideas from the flattery of some of their sipahees, whose object is to make the officers, and, through them, the resident, tools to enable them to obtain possession of land to which they have not the slightest claim, or to perpetrate some other piece of injustice. I alluded generally to this, in No. XVI.; I will here describe the transaction in detail. A sipahee who wishes to advance some unjust claim, procures a letter from his commanding officer to the resident at Lucknow, painting a miserable picture of the injury the poor man has received from some tyrannical aumil. The resident hands the case to the minister, requesting it may be inquired into; and orders to this effect are despatched by the minister to the local governor (aumil). With the order to support him, away goes the sipahee to the aumil, and treats him in the most insolent manner, in open court. The aumil having investigated the claim, and finding it without the least foundation, (for full nineteen cases out of twenty are such, that, were they preferred in our courts, the complainants would not be let off with a simple dismissal, but would be fined,) dismisses it. The insolence with which he has been treated, he is obliged to digest as he can. Away goes the sipahee again to the resident, with a tremendous complaint of injustice, oppression, &c., &c. The resident again writes to the minister, expressing his "astonishment that, although your Highness sent express orders to the aumil, the poor sipahee has not yet been able to obtain justice," or something to this effect. Another order is not unfrequently issued, and the sipahee again presents himself to the aumil, behaving with increased insolence of tone and manner, and there have occurred instances in which, by such means as these, a sipahee has

obtained possession of a piece of land to which he had no more right than the author of this paper has to appropriate the Government-House at Calcutta. Is this sort of proceeding likely to raise a native chief, his ministers, or local authorities, in the eyes of the people? I am aware that much of these proceedings are contrary to the orders of Government; I only describe what occurs in practice. In the paper alluded to, I also mentioned, that the most unfounded suits were often preferred, even in our own courts, by sipahees, under shadow of a letter from their commanding officers. A number of specimens were lately forwarded by one of our judges to the Sudder Dewanee, which, if I can procure a copy, will amply bear out the truth of this statement.

The summary of the whole is, that the people of Oude are not worse governed than our own subjects. It is true that things are not yet carried on with the regularity which is practised in the British provinces: a rougher and more precipitous mode of proceeding is occasionally adopted, with the loss, sometimes, of a few lives in consequence; and the revenue-officer, if he find an estate very productive, will sometimes demand a higher rent than was originally agreed to. Such are, I believe, all the real grievances they have to complain of, and an individual hardship is thereby now and then caused. But the mass of the people,—I speak not of those in power, but of the landholders and peasantry,—are far more lightly taxed than those of the British dominions. The civil and criminal administration is certainly not worse than ours,—that is, judging by the only true criterion, the difficulty or facility of enforcing a claim; the people are governed by their hereditary rulers, and benefit by the expenditure in the country of the revenue that is raised, instead of being subject to a few foreigners, by whom as much wealth as possible is carried out of the country. In every part are to be found respectable landholders and heads of villages, of various degrees of rank and wealth, forming the chain between the higher and lower classes, instead of, as in our provinces, the whole being reduced to the equality of a nation of paupers. They are not cursed with confiscation laws, or special commissions; nor with



salt, opium, or other monopolies; they have not one system for realizing the demands of Government, and another for individuals; nor is the punishment of revenue-defaulters to be compared, in severity, to that of our proceedings: the people are not excluded from every office which a man of integrity could accept; and men who, in our provinces, are slaving on a bare subsistence, which they have little prospect of increasing, cast a wistful eye towards Oude, where they see that the door, even of the highest offices, is not closed against them merely because they are dark-coloured natives, instead of white Englishmen; and, without exception, there is not a single class which does not possess more wealth and property than the corresponding class in our own provinces. Such, and I fear not any inquiry properly conducted, is a true picture of the state of Oude at this moment; and yet we are told that the people are sighing for the blessings of the British-Indian rule! When the voice of *the people* shall be really heard,—not that of courtiers and men in power, but of the landholders and peasantry,—they will be found to unite in one cry of, “Of all miseries keep us from that.” So far from their entertaining any such feeling, I can inform my readers, that in one part of the Doab, not many months ago, the people, farmers and peasantry, held quite a rejoicing, on hearing a report that that part of the country was to be transferred to the king of Lucknow: there are English merchants residing on the spot, who can corroborate the truth of this statement.

My readers will here be inclined to start at the mention of the wealth of the people of Oude; in proof of which, I beg to make the following observations. In the first instance, look at the bazaars, not only in Lucknow, but in any town in the country. They are filled with far more numerous and expensive articles than those of corresponding size in our own territories. This is an excellent criterion, because no merchants or tradesmen will keep a stock of commodities, unless sure of a sale; and men cannot buy expensive articles who have not tolerable incomes. Secondly, the large sums which are invested by the merchants of Oude in the Government securities; and thirdly, on the receipt of the orders of the Court of Directors, the members of our

Government talked openly with great satisfaction of the God-send which was about to befall to them, stating their conviction, that, whereas the *gross* revenue of Oude is not now above sixty or seventy lacs (six or seven millions of rupees) the country might easily, under our revenue-screw, be made to yield a *net* revenue of one crore (ten millions), while the crack collectors, both in *esse* and *posse*, were all on the *qui vive*, in the hopes of being able to raise their fame by employment in Oude. It is to be supposed that both Government and the first-rate collectors, who, like vultures, snuffed their prey from afar, must have had some grounds for their anticipations; and in this point of view, it must be obvious, that a country which can be made to yield about double its present amount of taxes, can neither be very poor nor very much misgoverned.

But so prone are we to minister to our own vanity, that continual assertions are made that the natives of Oude place their money in British securities to prevent its being arbitrarily seized by their own king. There is not a shadow of ground for the statement. The reason is simply this. First, The whole revenue of Oude is spent within itself. Secondly, Immense sums of hoarded treasure, amounting to many millions of rupees, have, within the last few years, been spent by the king, in excess of the regular revenue. From these two causes, there is much specie in Oude which the merchants do not know how to employ; for the internal trade of the country is very small, most parts of it producing the same commodities; and the ruinous system of transit-duties enforced in our territories, which bound those of Oude on three sides, the fourth abutting on the Himalayah, over which little trade can be carried, prevent the extension of their foreign commerce. There is no channel for the employment of so much capital within the country; and, sooner than allow it to lie altogether unproductive, they are content to vest it in Government securities. Strange as it may appear to my readers, I am strongly inclined to think that our commerce-withering transit-duties are one great cause of the high premium of the Government securities; and that one of the first effects of altering this system, which is killing the goose that lays the golden eggs, will be that

the funds will fall, from the large sums which will be sold out to be employed in trade. The twenty-year settlement now forming, will, probably, have some effect of the same nature.

But, notwithstanding this favourable picture of the present state of Oude, there is, I apprehend, little doubt, that the downfall of its independence is at hand, and that it will, ere long, be merged into the British dominions. The king himself is a profligate and a sot, devoid of sense, who thinks of nothing but his own licentious pleasures, and of the indulgence of every whim. When anything annoys or vexes him, he has recourse to drinking, to drown thought: he squanders his money like a child, spending thousands in building a palace one year, and pulling it down the next. He is surrounded by a host of sycophants of all shades, English, native, and East Indian, who prompt him to every species of extravagance by which they may hope to gain anything for themselves. The minister, Roshun ool Dowlah, is said to be a well-disposed man, who is fully aware of the dangers of the path now followed, and who would gladly change its course, and introduce a reform; but he wants nerve to face the storm which would be raised by those who profit by the present extravagance; so he is content to let things go on in their present train. It is lamentable to see money so wasted which might do so much good. Steam-boats, windmills, and other works, are begun and partly completed, and then the fancy dies away. The canal of which we have heard so much, and which has cost some hundred thousand rupees, is left completely at a stand; and the engineer-officer, who was lately transferred to the service of the king for the express purpose of finishing the canal, is losing his time, because the king will neither give directions nor supply funds. It is a great pity that the canal was ever begun: it will be of little use, since a very small proportion of bulky trade comes in that direction. Had the money it has cost been spent in making roads, infinitely greater benefit would have accrued; and it is probable that, even now, the advantages would be greater if the canal were left as it is, and the money necessary to complete it, expended in roads. The king spends nearly double his annual income, which amounts to about sixty or seventy lacs

(six or seven millions of rupees), but, hitherto, this has caused rather good than evil. He is not obliged to borrow money or to increase his demands on the people, having still some of Sadut Ali's treasure remaining; supposed to be about three crores of rupees (thirty millions); that is, about three millions sterling.

The English government are mainly to blame for this state of things. How is it possible that native princes who are kept in a state of pupilage, and almost treated like school-boys, should have any self-respect or proper independence of feeling? This has been the case with Oude, for the last forty years. Had the British government turned their supremacy to good account, by insisting on the education of the native chiefs, so as to qualify them for the art of Government, this would have been a measure entitled to the highest praise; but so far from it, the interference of the residents has been almost always exerted for evil; indeed, so extremely difficult is it to discover the slightest benefit arising to any class of people from the establishment of residents at the native courts, that there is even ground for the supposition that the measure has been adopted and maintained for the express purpose of promoting misgovernment and confusion in the different principalities, so as to afford plausible excuses and opportunity for our taking possession of them. A species of interference such as that suggested in No. XXXIX., would be a real benefit. Lucknow has not, at most, above three or four years longer to remain as an independent kingdom. By that time, the king, if he live so long, will have spent the remnant of his treasure; and as he will not have the sense to reform his conduct, borrowing and exactions will become the order of the day; disturbances will ensue; and the British will settle the matter by taking possession of the country.

Had Mehendee Ali Khan (commonly called, The Hakeem Mehendi) remained at the head of affairs, matters would, in all probability, have taken a very different turn. He really set about reform, not only in good earnest, but with good sense. He reduced the expenses, especially the salaries and pensions of favourites who have done nothing to deserve them;—he was gradually introducing, all over the country, the best parts of our

system; that is, written agreements regarding the revenue to be paid; regular courts for civil justice; and an established police. His shrewdness of observation on the native vanity of the English, also, is worthy of note, and the mode in which he, like Rammohun Roy, and some others, deceived them by practising on their credulity, is amusing. He used to drop hints that he wished to see Oude in the possession of the English. Why, the man's whole energies were at work to prevent such a consummation! for which end he pursued the best plan he could have devised, by endeavouring to place the administration of affairs there on such a footing as would give us no reason to interfere; and there can be no doubt that, had he remained, he would have introduced a much better government there than ever existed in our own territories.

Blinded, however, by prosperity, and imagining himself to be much more firmly seated on the pinnacle of greatness to which his talents had raised him, than was really the case, his pride and arrogance rose accordingly. Adopting some of the worst features of the English conduct, he affected a haughty reserve and superciliousness towards his countrymen; he disdained to return almost any man's salute, or to treat those with whom he had to transact business with the courtesy and civility which was their due; and when remonstrated with on the extent of his retrenchments, he would make a harsh, unfeeling retort, in imitation of a certain Governor-General. This was the real cause of his downfall: but for this, he might have been in office at this very day; and it is a fact worth noting, in support of assertions I have so frequently made, of the effects of similar conduct among ourselves in disgusting and alienating the people.

As to his wishing to see the country absorbed into the British dominions;—What could he expect to gain by it? At the most, some insignificant pension. What would he have lost thereby? The minister's salary is 300,000 rupees, or 30,000*l.*, and he is allowed a perquisite of a deduction of one-fourth from all regular salaries and payments. It is supposed that his income amounts to about twenty-two lacs (more than 2,000,000 of rupees, or 200,000*l.* sterling) per annum: he enjoys power, authority, and

patronage, to a great extent: all this, it is to be supposed, he would willingly sacrifice, and retire an obscure individual upon a small pension, for the disinterested pleasure of seeing his country under the enlightened rule of the English!!! It is impossible that any one acquainted with the real state of things could have given credit for a moment to such professions; but the general ignorance which prevails on the subject, aided by the gratifications which our vanity received, induced them to be very generally believed.

Mehendee Ali Khan, however, has not, I believe, the slightest chance of being restored to his premiership, unless by the positive orders of the British government; and, indeed, although, had he remained, he might have been able, well enough, to carry on a system which was in regular train, he is now an old man, and, though by no means superannuated, is too infirm to plunge again into the sea of politics. There appears little hope that his place will be supplied by a man of equal ability; so that, at farthest, in about three or four years, we may expect to see the dominions of Oude usurped by the English. In my next, I shall offer a few suggestions on the best mode of administering the government of those territories, and of avoiding the course which has rendered the English name so odious to the people of the North-western provinces.

May 25, 1835.

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*Complaints by Sipahcees, when they can prefer them under cover of a Letter from their Commanding Officers.*

I HAVE been fortunate enough to procure a few of these, presented to one of our civil courts, which I subjoin as a specimen.

The summary of one petition is this:—"My father died nine years ago; certain of his relations dispossessed my brother of the lands; I beg an immediate order may be issued to put me in possession of the lands." Here both the sipahce and his brother (who lived not far from the court,) had, by their own account, quietly submitted to be ousted for nine years, and then

a petition of the above nature is forwarded. If the sipahee could not have procured leave, his brother might have complained.

Another coolly requests that a village shall be given over to him, and that he should be put in possession of a grove of trees; no grounds whatever for the demand being stated.

A third states, in general terms, "I have been kept out of my lands and houses, for many years, by my relations; I beg an order may be issued to put me in possession;" that is, of whatever he chose to call his, since no particulars were given.

A fourth states as follows:—"I sent an order for fifty rupees to a man named Lallmun, some years ago, to give the money to my family. Two or three years ago, I went to question Lallmun about it; he beat me, and turned me out of the village. I beg an order may be issued to make Lallmun instantly pay the money to my family." By the man's own account, he submitted to the loss of his money, and the beating besides, without complaining, although his village was actually within two miles of the court. He rejoins his corps, and, three years after, forwards the above petition.

On all these, and numerous others, the order was, to sue in the regular way, for which, by the Regulations, every facility is afforded to the native soldiers; they have advantages over all other suitors: the consequence was, that nothing further was ever heard of the suits, of which, probably, not one had the slightest shadow of foundation.

It is extremely common for sipahees on leave of absence, if they live near a court of justice, when their leave is nearly expired, to trump up some complaint, and prefer it to the court, so as, by good management, to enable them to over-stay their leave a month or so, and then they get a certificate from the judge, or magistrate, that they were in attendance at the court from such a date to such a date. Notwithstanding all the fine things that are said about the honour of the native soldiery, there is, probably, no class in India where you will find more fraud and chicane,—a hundred times more so than among the unsophisticated peasantry from among whom they are taken. Whether this arises from their communication with the English, I do not give a decided opinion.

No. XLVIII.

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ON THE MODE OF ADMINISTERING THE GOVERNMENT OF  
OUDE, WHEN IT SHALL FALL INTO THE POSSESSION  
OF THE ENGLISH.

IN my last, I attempted a sketch of the present state of Oude, and endeavoured to show that the satisfaction of the people with their own Government was much greater than that which exists in the neighbouring provinces, under the authority of the English; yet that, in the course of a few years, perhaps, indeed, within the next three or four, affairs were taking that turn which would almost of necessity place the country under the British dominion.

The anxiety of the Court of Directors to realize the tempting revenues which may be expected from Oude, will, however, probably prevent their waiting for the natural course of things; and, by the end of the year, the reiterated order to take possession of the country will probably be received in India. This, however, is immaterial to the subject of the present paper, in which I propose to discuss the best mode of governing Oude, when it shall come into our hands.

In the first place, I hope we shall avoid the mistake we have hitherto made for many years, on our acquisition of different portions of territory. No sooner have we taken possession, than, at one blow, we have annihilated every existing establishment, whether for the administration of the revenue, or of civil or criminal justice; we have pronounced the natives, in the mass, to be corrupt and incapable, and dismissed them all from their situations, however respectable, and however well qualified they might be to discharge the duties of them with fidelity and efficiency. In the attempt to supply their places by English agency, we have usually appointed about one-third of the number of officers required. Our next step has been to raise the taxes to a much greater height than was ever done by their own governments; the large landholders, who possessed establishments of



servants, elephants, and horses, being especially marked for plunder\*; and this course has been persevered in until we have succeeded in reducing almost all the landed proprietors (those only escaping who had the means to bribe, or who were connected with the native officers of our establishment,) to a happy equality of pauperism. They may now rest contentedly. “*Qui procumbit humi, non habet unde cadat.*”

Such is the plan on which we have hitherto acted; and yet we boast of the blessings we confer upon the people, and flatter ourselves with the idea that our government is much more popular with them than their own! It is absurd to see the effects of self-delusion and vanity in blinding the eyes of men to the real state of things even before their eyes. In any other case in which prejudice and interest have no concern, we should be quick enough in perceiving the truth; and, indeed, would we give ourselves the trouble to reflect a little, even here, we could scarcely remain long in error. Is it possible that any nation would endure an oppressive and galling yoke, and, while bending beneath its weight, caress the hand which presses it upon them? Would the people of England consider the dominion of a handful of African conquerors, so exercised, a blessing to them? and are not the passions and feelings of human nature much the same in all countries, on points where they are much excited or wounded? but the day is gone by when this system can be continued with impunity, and I rejoice, indeed, to perceive, by the manifesto lately issued by the head of the Government, that this is at length perceived and acknowledged. Better things may now be hoped for, for India, when the Governor-General stands forth and boldly asserts the principles expressed

\* The sight of a native in good circumstances, with a retinue of three or four elephants, a score of horses, and a long train of armed and unarmed attendants, seems almost always to have been peculiarly annoying to the young civilians. After a visit to the young collector, the latter constantly remarked, in a spiteful tone, “Could not the *fellow* come without all this show?” The remark of a “first-rate” collector was (I use the past tense because there are now few such rich

natives left in our provinces), “That *fellow* can afford to pay a much higher rent to Government;” which was speedily acted on. I am inclined to think that jealousy that the native possessed a much finer establishment than himself, was one great cause of the dislike in which this class of people was held by each of the young collectors; for, with few exceptions, their estimate of their own dignity and importance was inconceivably great.

in his letter on the press, and when the chief authority of the state comes forward to support the cause of the people. "Whatever be the will of Almighty Providence respecting the future government of India, it is clearly our duty, so long as the charge be confided to our hands, to execute the trust to the best of our abilities for the GOOD \*OF THE PEOPLE." (See Sir Charles Metcalfe's letter on the proposed press-law.) And again,—“It cannot be that we are permitted by Divine authority to be here merely to collect the revenue of the country, pay the establishments necessary to keep possession, and get into debt to supply the deficiency,—we are doubtless here for higher purposes,” &c. (Ibid.) Yes, if we wish to retain India, we must, indeed, learn to govern it for the benefit of the people, and not on the principle that has hitherto actuated us,—the sole benefit of its foreign rulers. All that is required is, to act up to these sentiments.

But with respect to Oude,—that country has been governed by natives from the earliest record we possess relating to it. It is still governed entirely by natives; and, notwithstanding a corrupt and debauched court, I do again and again assert, without fear of being contradicted with proof, by impartial and unprejudiced men, that the people at large are much better satisfied with their government than the population of our north-western provinces are with ours. We shall also find it a much more difficult matter to introduce the system above described into Oude than we did in the neighbouring districts. In these, the levelling system and extra taxation at every settlement have come more gradually upon the people; but those of Oude have witnessed not only the progressive operation, but the result also; and they plainly perceive that our subjects are much poorer than themselves\*. It would require a considerable military force to introduce the English revenue-screw into Oude; most especially if it be accompanied with the discharge of every respectable native from employment,

\* A petty native chief not long ago said to an English functionary, “You are never guilty of the superfluous violence of confiscating a man's whole estate for an act of fornication, like our rajah; but you never fail, in the course of a very few years, to bring all

his treasures, by the silent operation of your system, as appointed by law, into the Company's coffers. A few of my kinsmen and subjects are getting rich and insolent; tell me how you effect this silent transfer?”

and the introduction of the lower classes, who have almost exclusively been substituted under our rule. Instead of attempting to introduce such a system, it would be a noble opportunity to attempt to govern the country in all the details by the natives, with only a few Englishmen at the head, to lay down general rules, and see that they were attended to. • We cannot say, as we do of our own provinces, that there are no natives of rank or respectability to be found. In the different provinces of Oude are men holding situations of equal or greater power than our judges, magistrates, and collectors; and the people are better satisfied than our own subjects. But I will proceed to the detail.

Oude is large enough to be divided into six, or perhaps seven, districts. To superintend these, five English functionaries will be sufficient, provided they be men of ability, well acquainted with the country and the people. Of these, two should form a board of revenue, two a court of Sudder Dewannee and Nizamut\*, and the third be a superintendent of police. Their respective establishments must be on a very moderate scale.

First, for the revenue. The board should make the tour of the country, and appoint, in each district, an aumil as collector. It should examine the old records, as to the collections of the district, and from these, and the inspection of various parts of it, a rough estimate might be formed of the sum which the district could afford to pay,—this should be explained to the aumil; and he should be left to make a twenty-year settlement in detail, with each village, or with the rich talookdars or landholders. The board should also explain as clearly as possible to the people, the orders that had been given to the aumil. Proper agreements would, of course, be drawn out in duplicate, and deposited, one with the aumil, and one with the board. Instead of turning all the large talookdars or landholders out of their estates, our object should be to uphold them as much as possible. We should ultimately gain more by the assistance which might be derived from these, than by the small increase of revenue which their plunder would produce. They might be made to furnish a quota of men, according to their means, for the assistance of the police.

\* Chief civil and criminal court.

If the members of the board divided the country, and made their periodical tours separately, they would be able, during the cold season, most closely to overlook the conduct of the aumils; and after the settlements were completed,—provided each member, instead of general observations, would content himself with a few local ones, and note down what he had observed,—annual tours, during its existence, would enable them to form a very fair estimate of what the next settlement ought to yield. It would be very expedient not to have the long settlement made for the whole country in one year; but to introduce it gradually into two or three of the districts for the first year, two the second, and two the third: making temporary settlements with the latter in the mean time.

This would enable the board most fully to superintend the proceeding of the aumils, both at the first and at any subsequent settlement.

The next point is, the police. In each district I would have a magistrate under the name of fujdar, and an assistant, with a small police-establishment of constables (burkundazes), the chief use of which would be to be stationed on the high roads. The duty of reporting crimes, apprehending criminals, and assisting, when called upon, should, as it is now, be chiefly imposed on the landholders: for the ryotwar system having happily been unknown in Oude, there this class of people still retain considerable power and authority over the rest of the villagers, which, with a little tact on our part, might be rendered of such use as to enable us to keep but a very small paid establishment. Some of these landholders might be intrusted with authority to adjust disputes regarding trespasses of cattle, and other minor matters, always reporting the same to the magistrates. It would be a considerable benefit to the people; and the existence of an authority on the spot would very often prevent a slight quarrel from ripening into a serious dispute, in which, perhaps, swords would be drawn and blood shed. The power of the magistrate should be equal to that of our magistrates, and all more serious cases should be committed for trial, as in our provinces. Appeals from the decisions of magistrates should be either to the superintendent of

police or to the court of Sudder Nizamut, as might be most convenient to those who preferred the appeals. The superintendent would, of course, be making frequent tours to watch the conduct of the magistrates, and introduce one uniform system.

The third point is the civil administration. In each district there should be an officer, for whom the native name of *hakim* would probably be most appropriate; whose situation should be nearly equivalent to that of our civil and session judges. In civil suits, I would have his powers quite the same; and under him, for the decision of different classes of civil suits, should be a proportion of principal sudder ameen, sudder ameen, and moonsiffs, whose numbers would be fixed according to the quantum of business which might be expected to be brought before them. In criminal trials, the hakim, with the assistance of the principal sudder ameen or sudder ameen, as an assessor, should sentence, as far as seven, or perhaps ten, years' imprisonment. All cases, requiring a more severe punishment, to be referred to the Sudder Nizamut.

This court would, in the first instance, make a tour to appoint the judicial officers; and, while one remained at head-quarters, to conduct current business, (which would naturally be at Lucknow,) the other should annually make a tour of the different districts to inspect the conduct of the judicial officers.

The city of Lucknow itself would probably be sufficient to make an eighth district, as far as regards the civil and police jurisdiction. The former may be precisely on the footing of one of the districts. For the police, considering the number of men of rank residing in the city, who have hitherto enjoyed practically almost an immunity from subjection to the ordinary authorities, the great variety of population to be found there, consisting of men of almost every nation of Asia and Europe, it would probably be found expedient to have an English covenanted magistrate, with an assistant. The whole of the other situations should ordinarily be given to natives, although I should not object to a sprinkling of East Indians, and, some years hence, to the introduction of Europeans not regularly in the service of Government.

Nor would I confine the selection of natives entirely to those of Oude. The greater number would, however, undoubtedly be

from that province; for there alone, in [all Upper India, have natives of rank and respectability been employed in situations of dignity and emolument, so as to have acquired habits of authority; for I again repeat, that so far from the aumils, or even the tuhseeldars, being people of low origin, who have acquired their situations by bribery among the courtiers, the majority of those officers are men of good family and some wealth, and residents of the provinces of Oude. It may be thought, that I have fixed the establishments at too low a scale; but we should recollect that, in Oude, the feelings of the people have not been outraged, nor their customs overturned, as has been the case in our own provinces, by a succession of ignorant young Englishmen\*; that they have had no ryotwar systems to split the land *ad infinitum*, and thereby occasion hundreds of complaints and suits regarding possession; that they have not been harassed by judicial divisions one year, reversed by special commissions the next; that their estates have not been sold by auction, either for a trifling balance, or for no balance at all, by the contrivance of revenue-officers; that they have not been annoyed by a host of vakeels and mooktars (inferior attorneys), who are ready to promote every species of family quarrels and other disputes, in order to enrich themselves: consequently, that, in a given population, there will be much fewer suits and complaints than in our own territories.

With regard to the succession of officers, I would have it understood that an able assistant might, on the occurrence of a vacancy, be appointed aumil or foudar, and that, in the judicial line, a moonsiff, sudder ameen, or principal sudder ameen, might each be promoted to the next superior grade, not even excluding that of hakim itself. At the same time, it would be injudicious to lay down any invariable rule of this nature, by which men of rank, and respectability, and good qualifications, who would not probably accept the lower situations, would be excluded from the higher appointments.

It would be necessary that, for each class of officers, a set of rules should be drawn up. The spirit, of course, to be taken from our Regulations, without their technicalities and wordiness; and certain forms and reports should be prescribed. The English

\* See Mr. Holt Mackenzie's Minute of the 1st October, 1830.

superintendents must be men of a superior stamp, well versed both in the letter and spirit of the Regulations, but not of that prejudiced class with whom all law is gospel. They should be well acquainted with the language and customs of the people, prepared to view things with a liberal and lenient eye, and, instead of supposing that all is going wrong, because a few irregularities are discovered, where they are unintentional they should quietly point out the mistake, and be content to allow a little time for affairs to be brought into that regular train in which they ought to be. They must not be too strict on the subject of what is called *bribery*;—of course anything like a bribe for a specific purpose, of which proof could be obtained, would be brought forward and punished; but it must not be supposed that every present is a bribe. The custom of making presents to those in authority, on certain festivals, is so strong among the people, particularly in the native Governments, that it would be almost impossible to eradicate it all at once.

Let us now calculate the expense of ruling Oude on the plan I have suggested.

	Per Month. Rupees.	Per Annum. Rupees.
Five English functionaries at - - - - -	3500	2,10,000
Office establishment for all these, at - - - - -	1500	18,000
IN EACH DISTRICT.		
One judge, or hakim - - - - -	1000	
Establishment - - - - -	200	
One principal sudder ameen, including establishment	500	
One sudder ameen ditto -	300	
Three moonsiffs, at 150, ditto -	450	
One aumil, or collector - - - - -	1000	
Establishment for ditto - - - - -	200	
Tuhseeldars and others, for the collection of the revenue	800	
One assistant to the aumil - - - - -	200	
One foudar or magistrate, including his establishment	1000	
One assistant to ditto - - - - -	200	
Police of the district - - - - -	500	
	<hr/> 6350	
Multiply for seven districts - - - - -	44,450	5,33,400
FOR LUCKNOW ITSELF.		
Civil establishment equal to that for a district - -	2450	29,400
One English magistrate - - - - -	2000	
With his establishment and police - - - - -	5000	60,000
Total per annum - - - - -	<hr/> - -	<hr/> 8,50,800

Everything is here put down rather on a high scale. The revenue establishment of the aumil might probably be reduced as soon as the twenty-year settlement was completed; for, instead of having to collect, as in our provinces, from a host of poor impoverished wretches who just contrive to exist, the revenue in Oude would be realized from a much smaller number of people, well able to pay the demand against them; the subordinate judicial establishment of *sudder ameens*, &c., is probably larger than will be found necessary. The pay of the *moonsiffs*, too, is entered on a higher scale than those in our provinces, whose emoluments are certainly by far too small. Nevertheless the charge for the whole of Oude, including the superintending English functionaries, and comprising, in fact, eight districts, is not much more than the establishments of the judge, collector, and magistrate for three districts would cost in the provinces, taking into consideration the proportion of the expense of the Commissioners, Board of Revenue, and *Sudder Dewanee Adalut*, which should be charged to those districts. With regard to the pension which should be allowed to the king, that I leave to Government to settle, as I have not the means of forming a guess as to what the amount may be; but I would here give a caution against too suddenly withdrawing the pensions, and sinecure salaries, which so many about the court now enjoy. It is true, that few of them really deserve what they receive; but, we should recollect, that almost all who receive, keep up large bodies of retainers, and armed followers; were all these men suddenly turned adrift, which must be the consequence of suddenly stopping the income of those by whom they are supported, the dispersion of so many thousand armed men, who were deprived of the means of subsistence, might lead to serious consequences in a city like Lucknow, containing an immense mass of wealth, and composed almost entirely of narrow streets, which are never lit up.

It would be equally inexpedient to disband suddenly the whole of the king's troops, as it would fill the country with men who would probably resort to plunder and robbery to support themselves. It would be a much wiser plan to entertain a portion of them, sufficient to form two regiments of infantry and one of horse, placing them on the footing of our local corps. They



might be made extremely useful for police purposes, and would probably enable us considerably to diminish the strength of the police as above estimated, particularly in the city of Lucknow itself. They might also be employed in escorting treasure for short distances, and in other modes, thereby relieving the troops of the line from a variety of harassing duty. Hereafter, as affairs became settled, and those who were discharged began to find other employment, the pensions might be reduced, and these local troops gradually disbanded. The gross revenue which might at present be realized without difficulty from Oude would probably somewhat exceed a crore of rupees\*. The expense of collection and management I have already estimated; what the net revenue might be would depend on the pensions granted to the king, his ministers, and courtiers, and those who now draw money from the public treasury. Undoubtedly, were the country delivered over to the crack collectors who, from the neighbouring districts, are looking with longing eyes on what they consider their prey, a larger sum might be realized; but where would be the benefit of impoverishing the people, when the extra sum acquired would be absorbed in the increased expenses of the collection?

The suggestions above advanced will, I have little doubt, excite the scorn and contempt of many; but let the truth be recollected, for truth it is, that Oude has been governed entirely by natives, and that, notwithstanding certain abuses, the mass of the people are better contented with their Government, with all its imperfections, than our subjects are with ours in the adjoining provinces.

When we do obtain possession of that country, it would be a noble opportunity, by proper selection of British functionaries to carry the system into effect, of showing what may be done by native management, and how much more cheaply we might govern India than we have hitherto contrived to do.

*June 15th, 1835.*

\* Ten millions, or one million sterling.

## No. XLIX.

## ON THE USURY LAWS.

It is not my intention to occupy the attention of my readers with a long discussion on the abstract question, how far a man is or is not justified in making the greatest profit he can by his capital, as well as his merchandise; the point has already been argued most conclusively to all unprejudiced minds by Bentham; and to his works I refer those who wish for information on the subject. I shall confine myself to demonstrate practically, the utter impossibility of enforcing such laws as those regarding usury, and to show the demoralizing effect upon the people, and the immense mass of fraud and perjury which is caused among the population of India, by the attempt to carry them into effect.

It is well known that the rate of interest was, by 37 Henry VIII., c. ix., fixed at ten per cent.; James I. reduced it to eight; Charles II. to six; and by Queen Anne, in 1714, it was limited to five per cent., at which rate it still remains. But all these laws are dead letters; capitalists will not lend their money unless they receive a return adequate to the risk; they will either devise means of evading the law, or will employ their capital in trading on their own account, or will even lock it up in their strong box, rather than lend it on an insufficient remuneration. We cannot have stronger instances than are to be found in the history of the English national debt, not only of how the laws may be evaded, but of the evils of being obliged to resort to such practices, the consequences of which we are feeling at the present day. None of the loans to Government in King William's reign were effected at less than eight per cent. In 1781 and 1782, and for several years afterwards, Government were obliged to pay more than six per cent. for the loans they received; and the mischievous way in which money was borrowed, has entailed upon us the obligation of paying nearly twice as much principal as there would otherwise have been any necessity to do. In order to keep up the appearance of borrowing at a low rate of interest, Government nominally

raised the loan at three per cent.; but for every hundred pounds lent, they registered the name of the lender as proprietor of 175*l.* three per cent., 20*l.* four per cent., and an annuity of 6*s.* for sixty-years. This gives an annual interest for every 100*l.* advanced to Government of 6*l.* 1*s.*, exclusive of the annuity. Now had Government fairly borrowed the money at six, or even seven per cent., we should not have paid more interest than we have done; indeed, as capital became more plentiful, or the credit of Government greater, they could have borrowed at a lower rate, and thus have been enabled to pay off the principal which bore the high interest. There would only have been 100*l.* stock to be discharged, instead of very nearly 200*l.*, which is now registered in the names either of the heirs of the original lenders, or those to whom they have sold their stock. Repeatedly have the English government raised money in this disgraceful manner; and it is this which has, in a great measure, tended to swell our national debt to the enormous amount which it has now reached.

So much for the shifts to which even Government are driven to evade an absurd law. In England, the merchants and bankers are equally quick at discovering methods of receiving what they consider a proper interest for their money. I speak not of Jews and professed money-lenders, who live by administering to the necessities and extravagances of heirs under age, but of the respectable merchants and bankers; and I will describe one of the many modes in which they contrive to evade the law. A. and B., two clever men of business, but possessed of no capital, wish each to enter into a mercantile speculation; they go to a banker, C., and fairly state their views; the banker observes, "The speculation promises well, but I cannot risk my money under seven per cent." This is managed in the following way: A. and B. each draw a bill on the other for 20,000*l.*, each accepts the other's bill, on which the banker agrees to cash them both, with an understanding that neither shall draw more than 14,000*l.*, leaving the other 6000*l.* as a floating balance in the banker's hands. The whole 20,000*l.* are placed in the banker's books to the respective accounts of each of the two borrowers, at the legal interest of five per cent., while he retains nearly one-third of the sum, or

6000%, from each, to employ in any way he can; so that upon the whole, he contrives to realize his seven per cent. Of course, much depends on the good faith of the parties in keeping to the under-hand agreement; consequently, it is only among men of known honesty that such transactions occur.

But pass we to India: here the legal rate of interest is twelve per cent. But does it remain at that? or has it not risen above, or fallen below it, according to the market-rate? Let us first view the proceedings of the old houses of agency, and begin with observing their transactions with the indigo-planters in the interior. They lent them money at twelve per cent., then came a charge of one per cent. on receipts and disbursements; then the money which was monthly advanced to the planter, under the name of subsistence-money, on which some petty charges were made; and the planter had not the option of disposing of his produce to the best advantage, but was obliged to send it to his money-lending agent, and to pay him commission for receiving and disposing of it. I have heard many indigo-planters say, that they are convinced that they paid altogether *eighteen, or even twenty per cent.*, for the money originally borrowed. In the loans of the agents to the civil and military officers, the proceedings were something of the same stamp. Twelve per cent. interest was charged; one per cent. for all receipts and disbursements; then they required the borrower to insure his life, charging him annually in their accounts a sum, as a premium, but which frequently they never paid to any insurance-office, preferring to take the risk upon themselves; so that it was merely a trick to raise the interest a little higher.

The agents are not to be blamed for these proceedings; the interest they contrived to obtain, was no more than a fair compensation for the risk they ran. The indigo-planters were men without capital; the civil and military officers had only their monthly pay; none possessed any property, except to a small amount; and, although if all three classes lived to a good age, they would probably repay their debt sooner or later, yet if any of them died, the whole of the sum due to the agent was irrecoverably lost. I only allude to these, to show the practices to

which respectable English merchants are obliged to have recourse to evade an absurd and unjust law. How much better it would often have been for both parties, could the agent have at once lent the indigo-planter the money at twenty per cent., and left him unshackled in the management of his concerns. No sooner did the market-rate of interest fall, either from the excess of capital or the want of employment for it, than these very agents were ready to lend money at nine, eight, or at one time seven per cent.

But, with regard to the natives, they ridicule the idea of enforcing such laws, and have many modes of evading them, one of which is simple enough. The lender actually advances sixty seventy, or eighty rupees, according as he considers the security of the borrower, good, bad, or indifferent: a bond is drawn out for a hundred at twelve per cent. interest: a couple of witnesses are then called in to witness the bond, before whom the borrower acknowledges to have received a hundred rupees, and the matter is settled. Should a suit be filed for the debt, the witnesses swear to the above effect, and a decree is given as a matter of course.

There are but three reasons why the rate of interest should be higher. First, A scarcity of capital. Secondly, Bad security on the part of the borrowers. Thirdly, A bad government, in which justice is ill-administered; thus holding out every inducement to debtors to be dishonest and not pay their debts. Many people, I know, entertain a notion that the natives are such usurers, that they would rather keep their money unemployed than not obtain an exorbitant interest: a most complete mistake: the native bankers and merchants charge a rate proportionate to the security or good faith of the borrowers. Should a merchant of established reputation be suddenly pressed for a sum of money, even to the amount, sometimes, of 200,000 or 300,000 rupees, he will find no difficulty in procuring it from his brother-merchants at six per cent—a transaction which is constantly occurring in every large mercantile town. From others, they will demand twelve, eighteen, twenty-four, to even thirty per cent., just according to the risk; and they have way and means of evading the law. One I have mentioned; another is, by frequently making up accounts at high interest; and either getting the debtor to give a new bond, or to sign an acknowledg-

ment that the account is right, upon which fresh interest is charged. In dealing with an Englishman, who wishes to establish some concern, the practice is often as follows. Twelve per cent. is charged on the money lent. It is agreed, that the lender shall be employed to procure the articles required for the concern, on which five per cent. commission is allowed on the money disbursed, besides the common profit which he makes in procuring so much goods, as he of course charges a higher price than he pays. Eighteen or twenty-four per cent. may often be made in this way; and, in addition, the lender very often stipulates that two or three of his relations shall be taken into service by the borrower to superintend the work. On the other hand, I have known money pressed on an English merchant of established credit and good faith, at twelve or even less, per cent.

During the last few years, before the introduction of the new judicial system, the difficulty of borrowing money had greatly increased; until, towards the end of 1832, it was almost impossible for any farmer or other person connected with the land to procure money at all, even though he offered thirty or forty per cent. The reason was, the utter stagnation of all justice, and the confusion which had been caused in the landed tenures, so that it was almost impossible to pronounce who was the owner of any plot of ground in the Upper Provinces, (a subject I shall touch upon separately). Still, no sooner had the new system been in operation for a few months, than the farmers could borrow money in some districts, at twenty-four or even eighteen per cent.; because, the bankers found that justice was now attainable: and I have not the least doubt, that this cause greatly facilitated the collection of the revenue during the year 1833.

The demoralizing effect upon the people is the next point. Hundreds of debtors are induced by the low attorneys who infest our courts to resist just demands, in the hope of throwing them out altogether, by proving that more than the legal rate of interest has been charged; and to support this, perjured witnesses are brought forward, who swear, what is in fact true, that more than the legal rate of interest has been charged, (every one knows as a matter of course that it has,) but who are not the less perjured, seeing that not one of them was ever present at any trans-

action between the parties. On the other hand, the plaintiff produces his bond, declares the full sum was lent, at the legal interest, and brings forward his witnesses, who swear, that the defendant acknowledged before them to have received the full amount. They usually go a little further, and declare that they saw the money actually paid. It is probable that *not a single suit for money is ever preferred in a British-Indian court in which, either downright perjury is not committed, or the plaintiff is not, morally speaking, guilty of subornation of perjury*; and after all this swearing, that no more than the legal interest has been taken, should the judge happen to be acquainted with the plaintiff, and, on leaving the court, call to him quietly, and, where there were no witnesses, ask him as a mere matter of curiosity, what rate of interest he had made by his money, the man would, without hesitation, reply, eighteen, or ~~twenty~~<sup>twenty</sup>-four, &c., as might be.

Is it not disgusting to know that such proceedings are daily going on, and that the natives are trained to perjury, (for after being accustomed to swear falsely about the interest of money, a man's conscience will soon permit him to give false evidence in other matters,) solely from the attempted introduction of an absurd and unjust law, which never can be enforced? These considerations alone should induce Government to act with common sense, and expunge from our statute-book this remnant of barbarism, ignorance and injustice; and allow a man the liberty of employing his capital and his merchandise to the best advantage, in whatever mode he finds conducive to his just interests. The only provision required would be, a fixed rate of interest, which should be charged on the amount of a decree, if not paid as soon as decided; and other points which occasionally occur, in which no rate of interest has been stipulated. In all other points, let men be free to make their own bargains in interest of money, as well as in everything else. It is lamentable to think how much we have done to deteriorate the character of the natives, by the introduction of laws and customs, not only at variance with their habits, but opposed to the dictates of justice and right reason, of which these usury laws are a memorable example.

June 26th, 1835.

No. L.

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ON THE RUIN TO TRADE CAUSED BY THE EXISTING  
SYSTEM OF BRITISH-INDIAN CUSTOMS.

THIS subject has been discussed at length by Mr. Trevelyan, a second edition of whose work has lately been published. It might, therefore, seem superfluous, to offer any observations upon it in this series of papers; but, as several allusions have been made to the evils of the internal duties; and as many people will read a short article in a newspaper, who would not undertake the perusal of an octavo volume; I propose to give a slight sketch of our system, and of the mode in which it operates to the injury of trade; referring such of my readers who wish for more detailed information to the work above alluded to.

The native system of transit-duties and internal customs, partakes more of the nature of a toll. It is charged at so much per ox-load, poney-load, camel-load, cart-load, &c., without reference to the value of the goods. It is, generally speaking, so light, that there is no temptation to smuggle; there is no pretext for search on the part of the custom-house officers; no pass is required; there are no forms to undergo; as his bullocks or carts pass the toll-house, the owner or driver pays his moderate toll, and proceeds on his way, without let or hinderance. These tolls were probably payable every forty, fifty, or sixty miles; so that, in reality, goods were subject to duty in proportion to the distance they were carried, which was paid by instalments as they proceeded. If the distance to which they were taken was short, the duty to which they were liable was very trifling.

The English, strongly imbued with that prejudice which is so generally prevalent, that every native custom or system must, of course, be inferior to what should be introduced from England, in their wisdom, condemned the native arrangement *in toto*, and resolved to devise one which should free the merchant from these



vexatious tolls. We shall now see how they have accomplished it. The principle on which the English system was formed was, to take the whole duty at once, and furnish the merchant with a pass, (called rowannah,) which should free him from all payment to the end of his journey. In the first place, it might have been supposed that as goods were to pay the same duty whether they were destined for a long or a short journey, at least, the duty would have been fixed at the average of what was paid under the native toll-system for greater and less distances; but no;—the standard fixed was the aggregate of all the tolls levied on goods proceeding to the greatest distances: thus, under the name of a consolidation, making an immense increase of the duty. This was the first specimen which the merchants experienced of the superior benefits of the English government, imposing a much higher tax on their merchandise than they had ever paid before.

The next point is the pass, or rowannah, which the merchant procures, when he despatches his goods, which is productive of immense annoyance. Suppose a merchant from Futtehghur sent off a boat-load of goods to Calcutta: on their arrival at that city, unless he could dispose of the whole boat-load in one lot, the pass he had received at the former place was no longer of any use to him; he was obliged to carry it to the Custom-house, and exchange it for others adapted to the separate portions of his cargo, which he had disposed of to different people: for this, he is charged an additional duty, of half a rupee per cent.; but this is trifling, compared with the loss of time spent in attendance at the Custom-house, and the obstruction to the free sale, and the removal of the merchant's goods. A pass is only in force for a year: should the goods remain unsold at the expiration of that period, the merchant can procure an exchange or renewed pass; but he must give up the old pass before the expiration of the year, and prove the identity of the goods; and he then will receive his renewed pass on payment of half a rupee per cent. If he fail, he must pay the duty over again; and indeed, the difficulty of proving the identity of the goods, and the delay in the inquiry at the Custom-house, and consequent loss of time to the merchant is often so great, that many of them prefer, as a less

evil, at once to pay the duty over again. Should a pass be lost, a merchant can obtain another, on the conditions above-mentioned; but, as in the former case, he very often prefers paying the duty over again, for the same reason. There are many other difficulties caused to trade by this pass-system, one only of which I shall specify. In many cases, it is impossible for merchants to pay the duty and take out passes: when they are going to fairs and markets (which are often held at places fifty or even eighty miles from a custom-house), they cannot tell beforehand, what quantities of goods they may purchase, or sometimes of what description; for, on reaching the fair, they may find certain goods which they had not previously thought of, very cheap; and, therefore, may buy a considerable quantity: they leave the fair with their purchases, intending honestly to pay the duty at the next custom-house, but unfortunately before they reach it, they must pass within the limits of one of its outposts (chokies), and, according to law, the goods are liable to confiscation, for passing a chokey unprotected by a rowannah.

So much as has been described is evidently a considerable impediment in the way of trade; but let us now proceed to describe the next part of the system, which is the natural attendant upon the former,—that of search-houses, and the right of search. To prevent smuggling, it was deemed necessary to establish an immense number of these search-houses, each containing an establishment whose duty it was to compare the goods with the passes. By law, no search-house (or chokey) was to be fixed at a greater distance than four miles from a custom-house, with the exception of two custom-houses at Agra and Meerut, to which, for some reason or other, greater latitude was allowed. But, in practice, the law was quite disregarded, and these search-houses were spread all over the country, sometimes at sixty or seventy miles distant from a custom-house. On the river Ganges, which is the main artery for the trade of the whole country, it is probable that, on the average, between Futtehghur and Calcutta, a search-house would have been found at every ten miles, besides the regular custom-houses; and we will now consider the nature of the powers vested in the officers stationed at these posts. They possessed the

right of search in the fullest extent, and were supposed to ascertain the species of goods, quantity, number, and description of packages, value of the goods, &c., and that these agree with what is stated in the pass. Suppose a boat setting off from Futtehghur for Calcutta were to be subject to this, upon an average, at every ten miles : to do it properly, the boat must be unladen, and the packages opened. It is evident that the delay and expense to the merchant would be so great, that, were the law fairly enforced by every search-officer, it would put an entire stop to the trade of the country.

The result is, that the right of search is only held out by the custom-house officers as a means of extorting a *douceur*, and is only enforced should a merchant be foolish enough to refuse the fee, but this rarely or never happens. The same demand is made and paid at every *chokey* within the whole distance which the goods are destined to travel. Is not such a system enough to annihilate all trade? and it would have done so ere this, but for the tact of these custom-house officers, who have just contrived to stop short at the endurable point. Nor is it only merchants' boats and goods which are subject to these extortions; they fall more heavily upon mere travellers, especially pilgrims to holy places, or those who have their families with them. The latter have usually a separate apartment in the boat : this the search-officers threaten to enter, on the pretext, that they have reason to suspect that goods are concealed. Pilgrims have usually some particular day on which they wish to reach the holy place to which they are bound, consequently the threat of delaying their boats, is sure to extort a considerable *douceur*. It is probable, that, in proportion to their numbers, the sums exacted from travellers are greater than those realized on merchants' goods. I believe of late a modification has been introduced : the *chokey*-officers have not, I think, now the power of search; but may detain the boat, and report to the custom-house if they suspect that the goods do not agree with the list inserted in the pass, or that they contain smuggled goods. This, however, answers their purpose of extorting money, just as well as the power of search. A boat proceeding to Calcutta, after some thirty or forty miles below

Khanpoor, is stopped by a custom-house officer, and a fee demanded; supposing it be resisted, the officer immediately expresses the suspicions above-mentioned, and says, he must detain the boat until he has reported the circumstance to the collector of customs\*. The despatch of the report, and receipt of orders thereupon, would take three or four days, and the collector's order would of course be, to send the boat to Khanpoor for examination; to go the above distance against the stream, would occupy about four or five days, and a week more would elapse during the examination of the boat, and getting it cleared through the custom-house. It would require a day and a half to reach the chokey where he had been originally stopped, thus making a delay of above eighteen days; to say nothing of the fees, legal and illegal, which he must have paid at the custom-house, and the additional expenses of the delay, which, taken altogether, would be far more than the *douceur* demanded by the search-officer. It is obvious, therefore, that the merchants would never think of resisting the demand.

The same system of extortion exists upon all goods conveyed by land-carriage, when it comes within the limits of any of the custom-house chokies.

It has often been asked, Why do not those who are subject to such extortions bring forward their complaints?—Simply because they would lose rather than gain. They would find it impossible to obtain any redress, or only at such an expense and delay, that the remedy would be worse than the disease. If they could really obtain redress, they would be ready enough to seek it. But I will enter a little into detail.

To take the average of distances, we will suppose, that a man has only to travel about forty miles to the collector of customs; and that, too, in the opposite direction to which he is bound: this would take him two or three days; as much more would elapse before he can get his petition brought to the notice of the collector; then would come his examination, and perhaps an order

\* On the average, from one half the chokies, the boat would be taken to the custom-house in the opposite, from the other half in the same direction, in which it was proceeding.

to summon the chokey-officers ; but before these men can leave their station, substitutes must be appointed, so that it would probably be a week or ten days before they arrived at the office ; the native clerks and others attached to the office, of course, make common cause with the chokey people, who as naturally deny the whole, asserting it to be a false complaint, because they were rather strict in doing their duty, in comparing the goods with the pass, &c. Then must witnesses be summoned on either side, —another week's delay,—till at last the collector, who is usually some stupid being, unfit for any other situation, or the collector of the revenue for that district, (who, having no time to attend to custom-house business himself, leaves it to one of his junior assistants,) declares, he can make nothing of the case, discharges the parties, and consigns the papers to the record-office : and thus after a delay of from three to four weeks, and a considerable expense, the merchant would not have gained anything. But suppose he did prove his case, and cause the dismissal of several of the search-officers ; he would only *gain a loss* : it would not restore him the money that had been extorted from him, or the expenses of his prosecution.

Besides, he, and all the merchants on the route, would ultimately be much greater sufferers, because, out of revenge, the chokey-officers would strictly enforce the right of search, where that was allowed, or detain the boats for report to the collector in other instances. It should also be recollected, that the merchant is a gainer by paying the *douceur* : it is not as if it were a downright extortion, without rhyme or reason. The legal power with which these custom-house officers are invested, is so extraordinary, that the utter annihilation of the whole trade of the country would be the result of enforcing it ; the merchants merely pay to prevent the law from being executed, and to enable them to carry on a small trade, crippled most wretchedly by the heavy duties which in one shape or other, lawful or unlawful, fall upon it. Travellers and pilgrims seem, in proportion to their numbers, to be subject to much more extortion than the merchants. The following is an extract from a letter from the collector of customs at Meerut, dated 15th December, 1832 :—“ The oppressions which persons

unconnected with trade suffer, surpass belief; not an individual can pass a chokey without being subjected to every kind of annoyance which the ingenuity of these authorized plunderers can devise to enable them to extort money. Travellers are detained for hours, even days; the privacy of their females is intruded upon or threatened, and this merely with the view of compelling them to satisfy the rapacity of these harpies. Could Government in any way relieve the country from this evil, there is no doubt that they would be conferring the greatest possible boon on the native population." Here is a picture, and a true one, of what is daily occurring at every chokey in the British provinces, whose numbers, before they were lately reduced, were probably not less than two or three hundred.

The description of natives employed in the customs' department, with some other facts and circumstances, will, in some measure, show the enormous extent to which extortion must be carried by those officers. The writer who is in charge of a chokey, receives seven rupees per month; his qualification must be a good knowledge of Persian; he has to find his own stationery, which will, probably, cost two and a half rupees monthly, leaving him four and a half to subsist upon. He is obliged also to give security for his good behaviour, to the amount of 400 or 500 rupees. There are other situations called *aumeenships*, whose pay is twelve rupees monthly, which are much on the same footing as those of the chokey-writers; while the common runners, or *peons*, as they are called, receive four rupees per month, and I believe in some instances less. It has been a general feature of the British-Indian Government, that, while they bestow liberal salaries on the European functionaries, with a view of securing the services of able and honest men, the pay of most of the situations open to natives is insufficient for a decent subsistence. This principle has been carried to a higher pitch in the custom-house department than in any other; yet this is perhaps the one in which the temptation to extortion and dishonesty is greatest, while the chance of detection and punishment is least. It is, in short, the custom-line in which most is to be made with least risk; which is sufficiently proved by well-known facts. Were there nothing else but the

authorized emoluments of the situations above-mentioned, it is obvious that it would be almost impossible to find any one to accept them; yet so far from the existence of any difficulty on this head, large sums are paid to those who have, or who are supposed to have, interest with the collector, to procure these appointments. From 200 to 300 rupees are given for an aumeenship; 100 to 150 for a chokey-writership (which is equal to about three years' salary); forty to sixty rupees are paid for the peon's situation, of which the pay is four rupees a month. Domestic servants, whose wages are from eight to twenty-five rupees a month, will willingly resign them, and accept a customs' peon's place.

The natural and unavoidable consequence is, that every feeling of honesty or morality is thrown aside when a man enters the customs' line. In other departments, judicial, revenue, and even police, honest native officers have been found, notwithstanding the British-Indian system (which seems as if it were devised with the view of offering every temptation to natives in authority to be dishonest); and probably more have existed than are known to us; but in the customs such a thing as an honest man never, I believe, was known. Those employed enter it with the express and sole intention of making as much as they can for themselves. It is consequently considered by the people as a disreputable service, into which none but a professed rogue would enter; and it would be difficult, under the present system, to persuade any man who had the slightest sense of honesty or morality, or the least regard for his character, to accept any appointment in the customs' department.

The intricacy of the law regarding seizures, fines, and confiscations of goods, is such, that all sorts of opposite decisions have at various times, been given in precisely similar cases, both by the collectors and the board of customs. But to enter into detail would exceed my limits. Those interested in the subject may consult Mr. Trevelyan's book.

We hear loud complaints of the impoverishment of the people, the falling-off of the internal trade, and the decline instead of the increase of manufactures. Is it to be wondered at? Could any other result be anticipated from the intolerable vexation to which

all merchants are exposed by our internal customs? Mr. Trevelyan observes, that "the profession of merchant in the interior of the country is both unpleasant and disreputable, on account of the complete state of dependence in which the most respectable people are placed on the meanest custom-house officer." "When respectable people in the provinces, who have capital lying idle in their hands, and who, probably, complain of the difficulty of finding employment for it, are asked why they do not engage in trade, they almost invariably reply, that they cannot submit to supplicate every low custom-house officer on four rupees a month, who has the power of detaining their goods, under pretence of searching them." People, too, of small capital, have been almost entirely driven off the field, which is left to those who are able to keep up a good understanding with the native custom-house officers, both at head-quarters and at the out-posts; and who can make up their minds to submit to constant insults and annoyances. At one time, some British merchants of Calcutta embarked in the inland trade; but the detention of their boats, and reference to the different custom-houses, was so frequent, that this part of their business took up more time than all the rest. They sometimes had several boats' crews at once waiting at their doors, and their boats were occasionally delayed so long at places 100 or more miles from Calcutta, that the boatmen were forced to return to that city to procure the means of subsistence. They were reduced, in despair, to abandon the attempt. Native gentlemen at Delhi have, for the sake of employing their capital, engaged in the shawl-trade with Benares. The result has always been the detention of their goods at some custom-house, and their giving up the pursuit, after having suffered heavy losses. The poor natives of India submit to all this, as they do to every other extortion and oppression which they suffer at our hands, because they look upon redress as hopeless; but hear the bitter complaints which were made to Lieutenant Burnes, (who knew nothing of our custom-house system,) by the merchants of Bokara. They actually declared that the vexatious annoyances and extortion practised on merchants in the British-Indian provinces, were infinitely greater than they experienced in Russia, Peshawur, Kabool, or Bokara!



One merchant declared that for one cart, in which he was travelling without goods, between Hurdwar and Benares, he was obliged to pay, in small sums, altogether to an amount of *eighteen rupees*.

The effect of this system upon manufactures, is to discourage all on a large scale, and to cause the whole of different processes to be performed in a petty way, on the same spot, however inferior those employed may be for some parts of the work, and however unsuited the locality may be. Where business is carried on on a large scale, the materials must, of course, often be brought in small quantities from a considerable distance, so that the great manufacturer has to pay a double duty,—once on the raw material, and again on the finished article; while the small manufacturer and dealer, who goes not beyond the line of chokies, either to procure the raw material, or to sell his goods, avoids the payment of all duty. Shawls are, by one extraordinary system, made to pay a double duty, both together amounting to 20 per cent.; leather pays three times, altogether 15 per cent.; cotton four times, before it is made into cloth, altogether  $17\frac{1}{2}$  per cent. So many articles are liable to double and treble duty, because the same pass which has been taken out for the raw material does not correspond with the manufactured article. Raw cotton must be made into yarn,—the yarn woven into cloth,—and the cloth dyed; all within the same locality, lest the duty on passing a chokey be incurred; so that the advantages of the different capabilities of various places, in regard to the skill of the people, or the circumstances of their natural situation, are completely thrown away. In the same places, the people are famous for dyeing cloth of particular colours; could business follow its natural course, the cloth of the whole neighbourhood would be taken there to be dyed; but, owing to these custom-house duties, and search-houses, the people are content to dye it in an inferior manner, and at an increased price, at the place where it was made. In some places, a poor shoemaker, living in a cantonment, who goes to the neighbouring town to buy a hide, must carry it three miles to the custom-house, to pay a duty of two annas (four-pence), before he can carry it home.

Let us now consider the effects of the town-duties, which are,

in fact, much the same as the internal customs. These are duties paid on certain articles, on entering certain towns. Only eight articles are taxable; namely, salt, sugar of every description, tobacco, ghee (clarified butter), betel-nut, turmeric, oil and oil-seeds, and pulse. But, unfortunately, the right of search, or detention and report, in order to ascertain what the loads of the cattle or carts really contain, is here given, which causes the chief evil. Another evil effect these duties have had, is to drive away trade and manufactures from the towns in which they are imposed, to other marts. It was probably intended that the duty should be levied on what was brought for consumption in the town; but, it being impossible to distinguish between the two, the duty is levied indiscriminately on all that enters the town. The consequence is, that no more of these articles are brought into the towns but what is intended for consumption; the merchants who deal in them wholesale, for exportation, are obliged to establish marts and warehouses outside the line of chokies, where they deposit their goods until it be convenient to despatch them to their destination.

Thus Bowanee, Shamlee, Bheree, Bewaree, and Shahderah, have grown up around Delhi, to be flourishing places, while little general trade is carried on in Delhi itself. At a short distance from Allahabad, Mirzapoor, Furrukhabad, and other towns, marts have been established for the deposit of goods, in order to avoid paying the duty if brought into the towns.

The evil effects on manufactures are equally apparent; large towns are naturally the seats of manufactures; but the result of these town-duty imposts is to drive them out of the towns; thus, if an oil-mill or sugar-mill were established in a town, the proprietor would have to pay five per cent. on his raw material, which he would avoid, were his manufactory erected outside.

Enough has been said to prove the immense injury caused to trade and manufactures by the existing system of internal customs and town-duties. It is not so much the amount, which is levied partially, as it often falls on certain people; if this were all, there would not be so much to complain of; but it is the vexation and extortion inflicted, both on merchants and travel-

lers, by the chokies, with their right of search and detention, that produces the evil. The demoralizing effects upon the people, by the roguery, bribery, perjury, and smuggling, to which the system gives rise, is also a most lamentable consideration.

What then is the remedy? It is truly observed, that every country must have a government, and every government a revenue, to enable it to perform its functions; but I am convinced that a similar sum, or nearly so, might be raised by a much better system than that of the present internal customs and town-duties. Mr. Trevelyan objects to the latter altogether, and, with regard to the former, he proposes the taking a duty, once for all, upon goods on their entrance into the British territory, without all the machinery of passes and rowannahs; after which, that they should pass free over its whole extent; and that the whole of the internal custom-houses, and their dependent chokies, should be abolished. He adduces, too, pretty strong evidence to establish the position, that the net revenue derived from this source would fully equal that now realized; but I have neither time nor space to enter into the detail.

Should Government not be willing to adopt his views, I can suggest an infinitely better system than that which now exists; and that is, simply to revert to the old native system of frequent moderate toll. Let there be a regular rate of so much a maund\*, on every laden boat which passes either up or down the Ganges and Jumna (which are the two great arteries of all our internal trade), without reference to the description of goods with which the boat is laden. This toll might be taken at Agra, Futteh-gurh, Khanpoor, Kalpee, Allahabad, Benares, Patna, and so on, at every hundred miles, or so, down the river, to Calcutta. At each station, the only establishment required would be, a collector, a treasurer, to keep the receipts and accounts, one, two, or more appraisers, together with, in some places, one, in others, two or even three, small plain row-boats, each managed by three men (a steersman and two rowers); a regular scale must be laid down, by measuring the length, breadth, and depth of the boat,

\* The burden of boats in India are measured by maunds, as they are by tons in England.

to determine the number of maunds it contains, which should be done by the appraisers or measurers. Should the boat stop at the station, it should be immediately measured, and the toll taken; should the boat pass without stopping, one of the appraisers should go off in the light row-boat, measure the boat, without delaying it, receive the toll, and return. As the toll would only be taken immediately under the residence of the collector, should any extortion be attempted, the people would be very ready to prefer a complaint, when, if the collector performed his duty, and entered into an immediate investigation, it would not occasion a delay of above two or three hours. This system might be adopted on some of the high roads, or at some of the ferries, with this proviso, that no place for the collection of toll should be established, except under the immediate superintendence of an European officer, whose chief duty would be to prevent abuses.

So with the town-duties: instead of a tax on only a certain number of articles, and in a few particular towns, let a trifling toll be levied in all considerable towns, on all laden cattle and carts which enter the town, without reference to the articles conveyed; so much per ass-load, pony-load, bullock-load, buffalo or camel-load; so much for a cart with two bullocks, with three, four, &c. It would be expedient to exclude firing, fodder for cattle, earth for repairing houses or roofs, and some few other articles, which, as they are never carried in closed packages, could be perceived at once, without any mistake: the owner, or driver, would pay his toll as he passed the receiving-station, and proceed without any annoyance.

The expense of collection could be infinitely less than it now is; only fix the toll at a very moderate rate, and there would be no temptation to smuggle, so that the whole of the net revenue would probably be as great as it is now. The vexation and extortion of the chokies, with their right of search and detention, would be abolished; the demoralization of the people by the roguery, bribery, perjury, and smuggling, which results from the existing plan, would be annihilated; and, although what is suggested be a native system, it would be a hundred times less

annoying to the people of all classes, and infinitely better in every respect than that which has been introduced by the enlightened British government. Moreover, I am convinced that the stimulus which would be given to trade and manufactures by the change of system, would, in a few years, produce a considerable increase in the revenue.

*July 1st, 1835.*

P. S.—I cannot help again alluding to two points which have before been mentioned, in order to enable those who are little in the habit of thinking on these subjects, to understand matters in their proper light. We have for years been vaunting the splendid triumph of English skill and capital in carrying cotton from India to England, and, after manufacturing it there, bringing the cloth to India, and underselling the natives. Is this any way surprising, under such an intolerable system as is above described; and while the staples of India are almost proscribed at home? In fact, if this be continued much longer, India will, ere long, produce nothing but food just sufficient for the population, a few coarse earthenware pots to cook it in, and a few coarse cloths. Only remove this incubus, and the tables will very soon be turned. The other is the great self-complacence with which we talk of the confidence reposed by the people in our Government, judging from the large sums which they invest in the government funds. What are they to do with their money? Englishmen having been hitherto prohibited from settling in the country, there was no one in the permanently-settled provinces to show the example of the benefit of improved systems of agriculture, and of laying out a little capital on the land. From Benares, upwards, landed tenures have, by mismanagement and ignorance, been brought to such a pitch of confusion, that, until some alteration takes place, no man in his senses would think of embarking any capital in land in those provinces. Government, in their ignorance, have done all they can to annihilate trade and manufactures, which they will, unless they change their measures, accomplish in a few years more (the number of boats laden with goods which used to leave Furrukhabad twelve or fourteen years ago, was at least

*treble* what it is at present). Five, or even four per cent., is better than nothing; but it needs not the gift of prophecy to foresee, that if a few English agriculturists of skill and capital were to settle in various parts of India, if the landed tenures in the North-western provinces were placed on a footing of security, and if trade and manufactures were tolerated,—they do not require *encouragement*, but only to be exonerated from the present customs and duties,—not only would Government be unable to borrow at such low interest, but the price of the existing funds would speedily fall.

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No. LI.

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CHARACTER OF THE PEOPLE,—INGRATITUDE,—  
DOMESTIC SERVANTS.

THE charge of ingratitude is almost universally brought against the people of India; but it is one which, on impartial inquiry, will be found more difficult to substantiate by fact and argument than any of the numerous accusations by which they have been assailed; and I have heard it more than once pithily answered by the query, “What have they to be grateful for to the English?” Before, however, entering into the subject, I will endeavour to define what is meant by the term “*gratitude*,” and distinguish the different ideas which are attached to it. Gratitude, in its largest and most comprehensive signification, I understand to be a strong sense of thankfulness for any favour or benefit received, and an anxious desire to be able to render some benefit or service in return. Of this, I fear, there is very little to be met with in the world, and, generally speaking, it has scarcely any existence among any people or nation, although insulated instances are now and then displayed by individuals, in all countries and societies.

But there is another and an inferior species of gratitude which is exhibited in various minor ways. A servant, for instance, who has lived a long time with his master, will submit to considerable inconvenience in crossing a difficult part of the country, at a long

distance from home, and from his family, which he has no prospect of visiting for many years ; others will contentedly remain several months in arrears of pay ; another, who has obtained leave of absence for some months, whose home is 300 or 400, or 1000 miles distant from his master's residence, will, at his own expense, return to his own situation, although he could have procured an equally good situation on the spot. On the other hand, the master will advance the servant a sum of money for a marriage in his family, to be repaid by monthly instalments, and would pay more attention to him when sick than he would to a new servant ; many other instances of this nature will easily suggest themselves to my readers ; but gratitude is, perhaps, too high a name for it. It is a kindly feeling, arising from a sense of reciprocal benefit, and mutual dependence upon each other, to which may be added the influence of *habit*, in master and servant being accustomed to each other's ways ; and this, if it be allowed the name of gratitude, is infinitely stronger among the natives of India than it is among the English.

Some persons entertain a notion, that they are entitled to the gratitude of a servant, simply because they have retained him for several years, or to that of a tradesman, because they have dealt with him for a considerable time. But, unless any peculiar favours have been received, at either hand, out of the common way, I cannot see that such expectations have any reasonable ground. The accommodation has been mutual ; the master kept the servant because he performed his duty to the satisfaction of the former, and the servant remained in his place, because he found it suited him. The servant, therefore, has as much right to expect the gratitude of his master as the reverse.

But the universal outcry which is raised by the English against the ingratitude of the natives, reminds us very much of the apposite remarks of Byron, on the same accusation brought against the Greeks. "They are ungrateful ; notoriously, abominably ungrateful ! This is the general cry—now, in the name of Nemesis, for what are they to be grateful ? Where is the human being that ever conferred a benefit on Greek or Greeks ? They are to be grateful to the Turks for their fetters, and to the

Franks for their broken promises and lying counsels ; they are to be grateful to the artist who engraves their ruins, and to the antiquary who carries them away, to the traveller whose janissary flogs them, and to the scribbler whose journal abuses them ! This is the amount of their obligation to foreigners.” So we may ask with regard to the natives of India, Are they are to be grateful to the British government, which, by a succession of force and fraud, has obtained a large portion of territory, and has inflicted on them a government which they detest ? Are they to be grateful to us for having deteriorated the landed interest, and reduced almost every individual of respectability connected with it to penury ? For having daily taunted them with the utter corruption, dishonesty, and inefficiency, of their character, and for the discharge from office, and, from the period of our acquisition of the respective portions of country, for their exclusion from all situations of trust and honour ? For having established a system of miscalled justice, of which the civil department was a nonentity, and of no benefit to any but the dishonest ? while the police was in a such state that even the Government was obliged to pronounce, that, “to the people of India, there was no protection of person or property.” Are they to be grateful to us for having taxed them, in every possible way, to an extent far beyond what they had ever paid before, so that almost all landholders in the unsettled provinces have been reduced to a happy equality of poverty ? Are to be grateful to us for having nearly annihilated all internal trade and manufactures by a system of internal duties, prescribed by ignorance and cupidity, and unparalleled in any country in the world ? Are they to be grateful to us in having, by absurd laws and the appointment of a succession of young men as collectors, or even judges, who were totally ignorant of the customs of the people, reduced the landed tenures of the upper provinces to such a state of confusion, that it is almost impossible to make a title to a single yard, and that land is almost the last security which a man who advances money will take ? Are they to be grateful to us for our purveyance system ? These are, I think, about the sum of their obligations to the British government. For the treatment which, generally speaking, they



receive from individuals, I beg to refer to No. IV. of these papers, "On the Behaviour of the English towards the Natives." After reading that, my readers will be able to judge how much reason the natives have, on the whole, to be grateful to the English as individuals.

The truth of the above description is undeniable, but it is, indeed, delightful to perceive that, during the last two or three years, a more kindly and benevolent disposition towards the people of India has begun to manifest itself among the English, both individually and on the part of Government, which effect has been mainly produced by the frequent appeals, in behalf of the people, which have lately appeared in the public prints. Still, however, in speaking of the gratitude, or ingratitude of the natives of India, we are apt to form our judgment on a completely false standard. All our notions are derived from the intercourse between the natives and ourselves, whereas our opinion ought to be formed from their behaviour towards their own native chiefs and masters.

Let us consider our position in this country : the little grounds which exist for any community of feeling, the hardships and annoyances which the natives are often obliged to undergo in our service, the almost certainty of the service not being permanent, and the great chance of its being of very short duration : and we shall then be better able to judge on the subject. Every native knows, that it is the object of every Englishman to return home as soon as he has acquired a competence to enable him to do so ; that, if taken seriously ill, a voyage to sea, or perhaps to England, is the first thing thought of ; and that almost every one of us, so far from being a member of a family, is, as it were, an unconnected and insulated individual, who, at his death, leaves no trace behind ; since his widow and children, if he have any, immediately return to England. In either of these cases, an Englishman's establishment is entirely broken up ; his property sold off, and his servants, after receiving their wages, are turned adrift. It is these circumstances, and not our foreign extraction, and difference of faith and complexion, that causes the natives of India to exhibit such an indifference to us and to our service. I have often known servants obtain two or three months' leave from

their masters at Cawnpoor, to visit their families, perhaps at Benares or Patna, who never returned to their old services. The fact was, opportunities of service offered themselves on the spot, and they preferred taking advantage of them, instead of going such a distance, though it was a probability, in some cases a certainty, that they would, ere long, have to move with their new masters to a long distance from their homes. Had these been asked why they did not rejoin their old masters, they would probably have replied, as I have heard before now, a native do in similar circumstances: "An Englishman's service is so precarious, that I thought it a hardship to travel so many hundred miles, and perhaps find my master dead, or going on sick-leave, or gone, in consequence of orders, to some stations 300 or 400 miles further off." On the other hand, I have known some instances of a contrary nature well worth recording, to which I shall allude presently.

But, as before observed, it is not only from the conduct of the natives towards ourselves that we should judge of their grateful or ungrateful feelings, whether of the greater or inferior descriptions; we must look at their reciprocal behaviour to each other; we should visit the families of the native chiefs and nobles who have occupied the same residence for many years, and who have old hereditary servants, whose fathers and grandfathers have served the ancestors of the present chiefs for many generations. Here we shall find as much devotion and respect among the attendants and menials towards all the members of the family, as much pride in making everything appear to the best advantage, and as much identification of their interest with that of their masters, as was to be seen among the old hereditary families in England, Scotland, or Ireland, many years ago. And if those who have been led by curiosity or intelligence to visit the (alas! they are almost all which now exist) ruins of palaces and mansions of decayed greatness in this country, would inquire among the few aged and decrepid beings, who usually surround them, the history of their former inhabitants, they would usually find that they were old dependants of the family, lingering, like withered leaves, about the fallen tree, and perhaps subsisting on the pension of which the ruin of their masters had not deprived them.

In the history of India we may find abundant instances of the most devoted attachment shown by servants to their masters in times of peril ; of masters, attended by their servants for months, in situations where the latter could hardly procure food to eat ; and even of men sacrificing their lives to save a master to whom they were attached. These were the consequences of permanent and hereditary connexion between people who were residents of the land ; on the other hand, at the house of the chief, old worn-out servants may still be seen, quietly ending their days under their master's protection, and maintained by his bounty.

Now can any such feelings be expected to exist between the English and their native attendants, so long as our sojourn in this country is upon its present footing ? Had the English become permanent settlers in India, they would have found as much attachment on the part of their native servants as is experienced by the native chiefs. When one of the young men joined the army, or was appointed to a civil employment, he would be attended by some of the old family servants ; we should seldom hear complaints of any ill-behaviour, or of servants running away, and leaving their masters in the lurch. If they were detained from home for a long period, without the youth's being able to obtain leave to visit his family, they would be relieved by others ; and, after visiting their houses, would again return to their duty. Nevertheless, despite of the unfavourable position in which we are placed for obtaining the attachment of the people, there are some splendid instances of devotion on the part of native servants and attendants towards their European masters, when the latter have deserved their regard ; while, on the other hand, I am rejoiced to bear my testimony in favour of the kind return made by these to their faithful domestics ; not only providing for them during their residence in this country, but ensuring the regular payment of the pension after their return to England.

The servants of Mr. Forbes, of Bombay, allowed themselves to be cut up and wounded in the most cruel way, when they might have saved themselves by telling the simple truth,—that their master, of whom the banditti were in search, was not far behind ; whereas, to save him, and mislead the miscreants, they

persisted in asserting that he was a day's journey ahead, quite out of their reach ; which completely succeeded, the robbers leaving the high road and returning to their homes. About three years ago a man with a drawn sword rushed into my office, when I was magistrate at Futtehghurh, with the intention of attacking me, when the nazir of the court grappled with him, and, although severely wounded, secured the scoundrel without assistance. How often have native soldiers sacrificed themselves to save the lives of officers to whom they were attached. The late instance of the chuprassie (Luchmun,) at Jeypore, is fresh in every one's memory. In short, the instances that might be collected would fill a volume, not to speak of inferior (though to the individual, for the time being, scarcely less valuable) instances of devoted attention and sympathy which are so constantly exhibited by natives to Europeans, in sickness and sorrow, and of which, I believe, there is scarcely a European in the country, however undeserving, who has not had some experience, indisposed as he may feel to acknowledge it. All this is so much additional proof that our foreign extraction, and difference in colour, creed, and customs, is no impediment whatever to our obtaining the respect and esteem of the people, provided we behave so as to merit it.

Nor are examples wanting of gratitude, although of a less striking nature. A native who obtained his livelihood by letting out three or four camels for hire, once went to an officer of the 24th Dragoons, and stated that he had been unable to procure any employment for them for so long that he could not avoid getting in debt ; and that, unless assisted, he should be obliged to sell one of his camels. The officer lent him, I think, thirty rupees. Not long after his camels were hired, and he was enabled to repay the money : but afterwards, if ever he received an offer to engage his camels, as long as that officer remained at the station, he invariably, before he accepted it, went to ask him if he were in want of carriage, observing that he was, of course, entitled to the preference. A native was arrested for debt due to a merchant and indigo-planter, by process issued by the latter's agent, who remained usually about the district court to superintend his legal business. As the debtor resided at a considerable

distance from the court, close to the merchant's house, he begged, in the first instance, to be taken to the merchant, to whom he said, "It is true I have owed you this money for a long time, and have behaved very ill in not paying it: you have me in your power now; do not disgrace me by sending me to gaol, and I will pay you in a short time: only trust me this once, and you shall have no reason to repent it." The merchant took pity on him, and procured his release. The debtor faithfully paid the money; and though this transaction occurred some years ago, the man would, at any time, do anything for this merchant; and when the latter is riding out, if the man catches sight of him at a distance, he will run up, merely to make his salaam.

On the whole, I should say that the comparison, on this head, between the lower orders of English and the natives of India, was in favour of the latter, and that they have more of real gratitude in their nature, as well as of the inferior quality above-described; at least I have experienced and witnessed a good deal of it myself in India; whereas, in England, the upper classes seem to condemn the common people, almost *in toto*, as not having a spark of the feeling. The universal complaint is, that, do what you will, you can rarely produce any sentiment of gratitude, or even thankfulness: whatever you give them, whatever you do for them, they look upon as a right,—“You are well off in the world,—therefore we have a right to expect assistance from you,” is the only idea which they seem to entertain. Such, at least, is the complaint of all those who attempt to ameliorate the condition of the poor around them, though, of course, exceptions are to be met with there, as elsewhere. A few observations in conclusion, on the character of native servants, will still further illustrate the subject.

Most young men, on their first arrival in India, and many during the whole of their residence, complain bitterly of the native servants, of their roguery, inattention, and I know not how many bad qualities, and are constantly drawing comparisons between them and the servants in England. Now in the first place, those civil and military officers who have never been at home since their first arrival in India, with the exception,

perhaps, of one in a hundred, are totally incapable of forming an opinion of English servants. They leave England so young, that they have never had any control over servants; all they had to do with them was to have their coat brushed and their shoes cleaned, and to be waited on at table. Of all the difficulties and annoyances connected with the internal management of the family attendants, they neither knew nor understood anything: all this fell on the parents or heads of the family. On the other hand, on their first landing in India, they are surrounded by a set of scamps who are known by the cant name of Rum Johnnies: (a corruption of the Moosulman name *Rumsanee*, which is commonly given to boys born during the Rumzan\* or Lent:) these men are convenient, for they all speak English,—they only attend on new comers during the few days or weeks they may remain in Calcutta, when they take their leave. Few of them would take settled service in a family, and no respectable person who had been any time in India would knowingly engage one of them. About the Writers' Buildings there are a regular set of these attendants, forming part of the fraternity of these Rum Johnnies, who serve the writers as long as they remain in the Buildings; but the greater number depart as soon as the young civilian is out of college, particularly if he be going to leave Calcutta, although at a station of only a few miles' distance. These men, what with the perquisites of the old English and ship clothes, and the sums they contrive to make by being employed in buying various articles, generally contrive, during the short period of their service, to realize some three or four times the amount of their pay, which, on taking their discharge, they spend in riot and debauchery, until they are fortunate enough to meet with another novice.

For some years, Government have appointed an officer to take charge of the young cadets, procure them servants, and such articles of furniture and other necessities as are required for their journey to the interior; but, in reality, the business is chiefly left to a native clerk, and the description of servants furnished to

\* Rumzan, better known in England by the corruption Rhamadan. Where they got the corruption, it is difficult to imagine.

the young men is not much better than formerly. Nevertheless all circumstances considered, I believe the establishment of this officer has been a considerable advantage to them. The young writers are as badly off as they were before. Only imagine a Frenchman, who knew not a word of English, landing at the London Docks, and engaging one or two servants of the above description, who had never been in any reputable establishment, but who had been hired for a month at a time, by different sea-captains and passengers, cheating each as much as they possibly could. I do not think the Frenchman would be likely to form a very favourable opinion of the English in the capacity of servants.

Again, while the masters are constantly complaining of the servants, they seem quite to forget, that, to be well served, certain qualifications on the part of the masters are indispensable in all situations of life. Temper, discretion, and the science of government and discipline, form the chief: to which must be added some knowledge of the people, and the ability to speak the language understood by the servants with propriety. In his own country, every man learns this naturally; in a foreign country it must be acquired, at whatever cost, if a man wish to be well served. My readers may think I lay too much stress on this point, but it is impossible to inculcate it too often. No native servant can ever believe a foreigner whom he knows to have resided several years in the country to be a gentleman, nor will he really respect him, unless he speak Hindostanee as one of their own native gentry would do. There is nothing extraordinary in this; it is perfectly consonant to our own feelings. Suppose a Frenchman, even though attended with the external marks of fortune, were introduced to us who spoke the language used by our lowest servants,—“I comed up to Lunnon two days ago,”—“Hand us over that ere plate,” &c.; even should he have brought credentials to establish his respectability, we should immediately conclude him to be a man of low birth and education, who could never have mixed with gentlemen, but who had acquired a fortune by some accident. If the Frenchman who had been some years in England could not speak English at all, he might pass for a gentleman, if his conduct and manners

were observed to be correct, although we might wonder at his stupidity. So with the natives. If an Englishman is wholly ignorant of the language, they are ready to make allowances for his blunders, supposing him to be a new arrival; but if he speak vulgar Hindostanee fluently, but is ignorant of the style in use among the native gentry, the people will never believe him to be a gentleman. It is also a curious fact, worth remarking, that, generally speaking, the better an Englishman can speak Hindostanee, the more respectable will his attendants be. The reason is this:—a foreigner who can speak the language used by the upper classes, is supposed to have mixed with the native nobility and gentry; to have consequently observed their habits, among whom beating or abusing servants is looked upon with great disgust, as something excessively low; and is supposed to have adopted the tone of the upper classes in managing his servants. Consequently, many natives of a much more respectable class than usual will enter his service, while nothing would induce them to go near one of the jargon-speaking Englishmen. So, also, ladies who are mild and gentle in their manners to their female servants, and who preserve the habits which are equally characteristic of gentlewomen in England and in India, of delicacy and seclusion while in their own apartments, will find themselves treated with even more respect here than at home; and would they condescend to adopt a little of the habits and language of the upper classes of the female society in this country, instead of the disreputable class of women by whom they are usually attended, they would, after a few years' residence in the country, have little or no difficulty in engaging women of respectable character, who would perform all those services for them, which, to the infinite degradation of the English female character in India, are now performed by men\*. A fixed resi-

\* Allusion was made in No. IV. to this indelicate custom, which the majority of English ladies have adopted, of allowing their men-servants, of all descriptions, to be constantly coming into their bed-rooms. That there is not the slightest necessity for it, which is the excuse offered by some, is proved by the fact, that many ladies have

sufficient sense of propriety to prohibit it: in whose houses, all the work necessary in their private apartments, is performed by the ayahs. Such ladies are respected accordingly; I will not say, in broad terms, in what light the others are looked upon by the people.



dence has also a considerable effect in procuring a better class of people for servants. Were I to arrange the English population into classes, according to the respectability of their attendants, I should certainly place the indigo-planters and merchants first (I mean in the Upper Provinces,—I am told the Bengal planters are a very different style of people): secondly, the civilians, about one-third of whose servants may be respectable, and the rest of very indifferent character: third, the Company's military servants, one-fifth of whose servants may be respectable, and the remainder of very bad character; and, fourthly, the King's officers, whose servants are, with few exceptions, the very scum of the country; regular English-speaking *Rum Johnnies*, who hang about the same regiment, and will rarely leave it. Yet, notwithstanding that so large a proportion of our servants are all of so low a description, and of such doubtful and disreputable characters, they give infinitely less annoyance to their masters than any foreigners would receive in England, from servants of the same stamp. On marching, they will wait day after day, for several hours after the usual time of taking their meal, while they are working hard to make their masters comfortable. Very few English servants would bear this even for two or three days: indeed, in travelling, if the servants are not as well fed, and as well off, in their way, as their masters, they are always grumbling and discontented, and, in almost all instances, receive higher wages and other advantages, to compensate for the little inconveniences to which they may be exposed.

But besides the knowledge of the language and customs of the people, the other qualifications of temper, and the art of government and discipline, are equally necessary. Captain Hall has made some excellent remarks on this subject regarding naval discipline; and describes the same crew which, under one captain was always in disorder, notwithstanding constant floggings and other punishments, under another in the best order possible, while not one punishment occurred during five or six months. The principle is precisely the same, although the object may be of minor consequence, in the government of servants. With attendants of the same description and disposition, you will see

one master who is constantly abusing or beating his servants, and can never get his household into anything like order; while the establishment of his neighbour is in the most perfect discipline yet the master seldom speaks a harsh word to his servants, and probably the highest penalty ever inflicted is the fine of a few pice. The following instance is of an occurrence not uncommon. A man whose servants were all in excellent order, was about to return to England. Of course his servants were paid up and discharged. A friend of his, who had, as he said, very bad servants, dismissed them all, and engaged the others in his service. But, after a short time, he was not a bit better served than before; the new servants soon became as careless as those he had discharged: simply because he had not the art of managing them.

Some people are always complaining that they cannot get good servants: but the fault is chiefly in themselves, and in their ignorance of the art of discipline and authority; on the other hand, I do not hesitate to say, that wherever a man possesses these indispensable qualifications for conducting an Indian establishment, he will find the native servants infinitely more attentive, more obliging, and more ready to submit to inconveniences to promote his comfort, than ninety-nine out of a hundred English servants would be. There are several little points which it would be wise in masters to attend to. If a servant is sick, visit him now and then, or send to ask him how he is. If he goes on leave to visit his home, ask him, on his return, if his family are well; if he goes to a wedding-feast at the marriage of one of his relations, ask him if all went off well; and so on. If masters would condescend to show these little attentions and proofs of interest in the welfare of their dependants, it would promote kind feeling between himself and them to a great extent: but not one in fifty, perhaps not one in five hundred, ever thinks of it.

A few anecdotes of native servants will conclude the present remarks. I have known men, who resided from 400 to 500 miles from Calcutta, no sooner apprized of the return of their former master from England, than they set off and travelled at their own expense to Calcutta, for the chance of being again allowed to

enter his service, although, from the time which must have elapsed between the receipt of the intelligence of his arrival and their journey to Calcutta, it was almost certain that the masters must have provided themselves with other servants. Would any English servant travel at his own expense such a distance, or even the twentieth part of it, upon such a risk? A colonel, whose name I forget, was proceeding by water to Calcutta to send his children home. He allowed two of his servants to go ashore some miles above Khanpoor, to visit their families and rejoin him at the latter place: but by the time they reached it the Colonel's boat had passed. These two men instantly set off on foot to Calcutta, although they were so ill provided with the means of paying their expenses, that they were obliged to beg their way for the last half of the journey, which they performed in an excessively short time; and sometimes all they got to eat during the day was a little parched grain. Now, if these men had been the rascals which the natives are so constantly represented to be, how easy would it have been for them to have remained at home quietly enjoying themselves, and to have rejoined their master on his return, (for they knew he was coming back as quick as possible,) and to have invented a story of their having been taken ill. I have known several instances of men, on their return from England on furlough, hiring an establishment of servants from twenty-five to seventy or eighty in number, none of whom they had ever seen before, and immediately setting off to march up the country. The instances of people hiring servants in this way and travelling by water to the interior are innumerable. Yet where the masters knew how to manage them, there was not a single quarrel or annoyance of any sort. What would be the result of hiring a heterogeneous mass of servants in this way in England? The man who would attempt it, would be worried out of his life by the disputes and trouble with which he would be beset.

On the whole, therefore, I repeat, that where the lower orders of natives had met with anything to excite their gratitude, they would evince this virtue in a much higher degree than the corresponding class in England; and that, when properly managed, they are infinitely more ready, more obliging, more willing to

submit to inconveniences for the benefit of their masters than any English servants, except perhaps here and there a few old and faithful domestics reared from childhood in their masters' service, I have ever met with.

One more anecdote I must beg leave to mention, though it would have been more in its place above; merely to show how exceedingly quick the natives are to perceive whether a man understands their conduct or not. On a ship arriving from England, and anchoring at Chandpal Gaut\*, two passengers landed; one who had been many years in India, the other a fresh arrival. Each was speedily surrounded by about a score of the Rum-Johnnies above-mentioned, all making their salaams and presenting their written characters. The "old hand" quietly returned their salutes, upon which every one instantly left him. The thought which passed through their minds was something to this effect:—This man returns the salute of a common native, (an excessively rare thing for an Englishman in the Government service to condescend to do,) he must have lived much in the interior of the country among the people, and must be well acquainted with our customs; he is not the man to hire people of our stamp.

† July 5th, 1835.

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## No. LII.

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### CHARACTER OF THE PEOPLE, *continued*.— HONESTY, MORALITY.

DISHONESTY is another of the vices the stigma of which has been universally applied to the people of India; and yet, compared with the common people of England, between whom and the corresponding classes of Indians the contrast is made, I have no hesitation in affirming that in this very quality the latter will shine to the most advantage.

The English residents in India make the comparison, as they usually do, only acquainted with one side of the subject, and even with that partially; they judge by their servants, and pre-

\* One of the landing-places in Calcutta.

tend to form a comparison with English servants. The first thing which strikes them on their arrival is the *dustoree*, or percentage\* which a servant receives on everything he purchases, and which of course is placed to the account of the master ; and the tirades that have been launched forth on the natives on this head have been innumerable. I do not defend the custom ; but, on the subject in question, there could not be a stronger proof of the assertion contained in my preceding number ; viz., that scarcely one of the civil and military officers who had not been at home since their first arrival in India knew anything of the management of servants in England, or of the domestic economy of a family ; or if they are indeed *au fait* on these points, and are yet ignorant of the custom in England which answers to this "*dustoree*," I can only say that their experience must have been confined to an extremely narrow expenditure and a very small establishment.

In those families where the income is so limited that it becomes the duty of the mistress to superintend the detail of the kitchen, to go herself to market, or to the different shops, and to pay for everything with her own hands, I grant that no perquisites are or can well be made by the servants : but it is quite different in families who are in easy circumstances, and where these things are left to the housekeeper or the cook ; these servants receive a gratuity, in some way or other, more or less, according to the expenditure, from every tradesman who supplies anything required in their department. It is not paid in a percentage, as in this country, but usually in some present of money, clothes, &c., at Christmas, for what is called the "custom," or "good-will of the house." No tradesman who consulted his own interest would venture to refuse this. If the butcher, the fishmonger, the greengrocer, or others were to do so, the meat, fish, or vegetables would be sent to table in a state scarcely fit to be eaten, and the blame would be laid by the cook on the tradesman, for supplying bad articles. Even if the master were acquainted with the real state of the case, and wished to put a stop to these perquisites, and not

\* The sum annually paid to the servant is two pice in the rupee ; equal to a little more than three per cent. It is sometimes higher.

to change his tradesmen, unless he or his wife would act as is above-mentioned, in families where the strictest economy is necessary, he could not do it; he might discharge his cook or house-keeper; but the next he engaged would do just the same, in order to retain their perquisites; and unless the tradesmen continued to secure the good-will of these servants, they would certainly, in the end, lose the custom of the family; because the master, for his own sake, would be obliged to employ others, who were upon better terms with his servants, upon whose good or civil offices so much of the comfort of domestic life in England depends.

In this country the superintendents of a factory or mercantile concern, the foreman of a workshop, or the upper servants in a family, enjoy perquisites, which do not exist in England; they usually receive a month's pay from every one for whom they procure service in the establishment. This is owing to two causes; first, that the lower classes of the natives of India are infinitely more honest than the corresponding ranks in England, which induces ten times the precaution in hiring a servant there to what is necessary here; and secondly, the "*grandee*" system on which the English in India have usually moulded their conduct, which prevents one condescending to speak to a native, except to two or three head-men or favourite attendants. Consequently they usually recommend servants or workmen when they are wanted, and receive their perquisites accordingly. Several discussions have lately taken place upon the roguery of the natives who act in this way, upon whom the whole of the blame, of course, is laid, and on the best means of putting a stop to it:—the remedy is very simple; we have only to lay aside a little of our indolence and silly pride. If the proprietor of a ship-building or manufacturing establishment wished to hire twenty or thirty additional workmen, instead of only telling his head native, he should intimate the same to all the workmen then in his employ; most of them have relations and friends who want work; the news would be spread in the evening half over the town, and by the next morning, probably, fifty or sixty would be waiting at the gate; let him go himself and make his own selection.

So with a private servant; if the master would inform all his

servants what he required, he would, probably, next day find half a dozen or more in attendance: let him call them in, and make his own choice: after this practice had become general, those in search of employment would soon perceive that it rested with the master alone: and that no person belonging to the establishment possessed any influence in the matter: consequently all payments for the procuring a situation would speedily cease, as men are seldom found willing to give money for anything which they can obtain as well without it. It may be mentioned, in further elucidation of the assertion, that we are much more to blame than our upper servants, and that most of the civilians adopt such a magnificent style, that no native can ever gain access to them without giving a *douceur* to the servants. Some attempt to excuse this indolence and affectation when told of it, by contradicting it; others by asserting that it is impossible to prevent it:—by men of their stamp it may be impossible, but not by such as are really acquainted with the customs of the people, and will exercise a little trouble and vigilance. I have known men to whom the arrival of any native who wished to speak to them was immediately reported, and to whose servants not one farthing was ever paid. I grant that even in England noblemen and gentlemen who dislike business, or are much occupied with their own pleasures or pursuits, sometimes allow the abuses above described to prevail in their establishments, and that a favourite valet or groom is often the instrument of approach, through the same means, a *douceur*,—but no one who really does his duty to his dependants, or wishes to secure their respect, would allow of such things; and, indeed, where they do exist, little honour or credit usually attaches to the house; since dependants are proverbially alive to the characters and conduct of their superiors, and can hardly hold *men* in high estimation, who are governed by those whom they despise, as their own inferiors. In England when a person applies for service, he is called up before the master; a hundred questions are asked him, and references required and made, not only to his last master, but often to two or three of those in whose service he has previously lived: and, notwithstanding all these precautions, people are in constant dread of

being robbed by their servants, and very few robberies take place in which the servants or work-people connected with a house are not in some degree concerned. The first thing that is dinned into a man's ears when he returns from India, especially in London, (for in the country there is often a better state of things,) and visits his relations is, "Don't leave any of your things about; keep everything under lock and key; throw no temptations in the way of the servants; I will not answer for their honesty," &c.

How different is it in India! Here we generally entertain the first man that offers himself, provided he appear smart and intelligent; no question is asked, as to character, further than the written one, which, if he have not of his own, he can purchase for a few pence\*. Scarcely even does the master ask his name, still less make any inquiry as to his family, his residence, &c.; his home may be five hundred miles off; yet to a servant who is hired in this careless way, who is called a head bearer, and receives seven rupees a month (seven pounds a year), are frequently intrusted clothes, plate, and other valuables, to the amount of several hundred pounds, besides, very often, several hundred or a thousand rupees in cash. By far the greater number of Englishmen hire their servants with the same neglect of inquiry, and indifference as to characters, and we constantly leave watches, jewels, trinkets, and other valuables, lying about our rooms, through which fifteen or twenty servants are constantly passing and repassing, so that it would be almost impossible to fix upon, or even suspect, the guilty individual. Yet how rare is it for a man to be robbed by his servants in India! What would be the consequence of hiring six, or eight, or more, servants in England, with a similar want of precaution? In the first place, the master would be deemed insane, and before a month were passed, he would be eased of one-half of his property.

If, however, it be conceded that Indian servants display a higher degree of honesty in matters of importance, great com-

\* In consequence of the constant fluctuation among the English population, a personal reference is usually impossible; and it is the practice to give servants who are discharged, written characters. These are constantly forged; the name of the person whose writing it purports to be, being, of course, that of some one who is either dead, or has returned to England.



plaints are made of their petty pilferings; here, again, we are not aware that such things go on in every country, and probably much more in England than in India, from the circumstance of their greater capability of being turned to account. The kitchen servants, those attached to the farm-yard or dairy, the gardener, all, as a matter of course, have their regular pilferings: there is rarely to be found a butler, who is allowed charge of the wine, who does not drink his wine after dinner as regularly as his master. The fact is, that the scale of the morality of the lower classes, in all countries, is formed on a curious model; the very same servants who would scorn the idea of stealing anything of value, look upon these petty pilferings as a sort of perquisite to which they are entitled. I am convinced that the natives of India are, in this respect, by no means so bad as the servants at home, only our general ignorance of the character of the latter prevents our being aware of the fact.

Is there a man in India who has not known several of his servants transmit their respective savings, amounting, in the whole, to a considerable sum, to their homes, by an individual of whom they know little or nothing, except that he was from their own part of the country? Nothing is more common, and it must be familiar to every one. The distance that money is sent in this way, varies from two to twelve hundred miles; yet for the money to be embezzled, is an occurrence almost unknown. Would such confidence, and such faithfulness to trust, be found in England,—in Europe,—in any other part of the world? Again, we are in the constant habit of sending money, in sums of greater or less value, even as much as four or five hundred rupees (forty or fifty pounds) at a time, by the hands of a common servant, without taking the slightest precaution, either of sealing the packet, delivering it in the presence of witnesses, or any of those securities which would be considered necessary in England. There very few people would trust a servant, even with a few shillings, to convey from one house to another; “it would be putting temptation in their way;” and money-letters sent by the post are, by almost all prudent people, consigned to the post-office with their own hands.

It remains for me to offer a few remarks, in conclusion, on the morality of the natives, or rather to make a short inquiry as to what has been the effect of our intercourse with them in lowering their standard.

It may also be observed, that their ideas of morality differ in many points from ours; in some respects, the advantage is on their side, in others, upon ours. I have not leisure to enter upon this subject at length; and, indeed, in discussing the character of the people in the mode here adopted, I had no intention of treating on every point, but merely to offer a few general observations to induce the English, instead of taking it for granted that all the natives of India are indiscriminately or radically bad, or of forming their opinion of the whole nation from a few menials, to mix with the people; that is, the farmers, merchants, and peasantry, not forgetting the upper classes, and the old native gentry, when they have opportunities of being introduced to them; to lay prejudice aside, and see and judge for themselves; and to adduce sufficient instances and proofs that, if the natives have many bad qualities, they also possess a considerable number of good ones. There is yet an ample field for discussion on this head, for any one who will take the trouble to occupy it.

I have remarked that their standard differs from ours. A native gentleman would not cheat a friend in the sale of a horse; many an Englishman in the rank of a gentleman would not only do so, but often boast of it. The enormities committed by native troops at the storming of a town are not, perhaps, one hundredth part so great as those which are usually perpetrated by English soldiers; so, many other instances might be mentioned to the credit of the natives, whilst others would be the reverse.

But what have we done to promote the increase of morality, or any other good quality, among the people of India? With few exceptions, to a trifling extent. It is but lately that either Government or individuals have attempted even the primary step,—education; while, in a variety of instances, by our ignorance of the native customs, and the enactment of absurd laws, totally unsuited to the country, we have promoted immorality to an immense extent. In the first place, look at our debtor and

creditor laws: as long as a poor labourer, or menial servant of the lower class, remains honest, he is obliged to work hard for his subsistence; only let him turn rogue,—borrow money under false pretences, which he has no reasonable prospect of ever being able to pay,—and he is immediately rewarded by being placed in a comfortable building, where he has plenty of company, and where he is fed in idleness, receiving nearly as much as he could earn when hard working. Such, at least, is the utmost penalty which his creditor is allowed to inflict upon him; for, as to the seizure of his property, this consists but of a few coarse cloths, a half-torn blanket, and two or three earthen cooking-pots, which might realize, if sold, a few shillings; but as it is not the custom to strip a debtor naked, his clothes are left in his possession; his residence was in a hut, belonging to some relation, or to his master. If his debt do not exceed sixty-four rupees, he cannot be confined more than six months; nor can he be again arrested on that debt, although his property, if he ever obtain any, is liable in satisfaction. Few creditors, however, ever keep men in gaol above a short time, till they have ascertained whether there be any property forthcoming, because they are obliged to pay for their subsistence; and no sooner is the man released, than, finding the profit so great, and the penalty, in reality, nothing, he plays the same game over again with the next person who will trust him.

Some persons argue, that men who lend their money to such people as are above described deserve to lose it, and even propose that their suits should not be heard. This is just as wise an idea as it would be to refuse to punish a bandit or a thief, on the principle, that every man ought to keep so sharp a watch over his house and property, as not to allow himself to be robbed. The grand secret of establishing credit, and preventing the careless contracting of debts, is, to give every facility to the creditor to realize his due, and to allow a discretion with the judge to sentence men who have contracted debts without any visible means of paying them (which is no better than swindling), to hard labour. The improvidence of most of the lower classes of natives is such, that present enjoyment is all in all; they never

think of the consequences; besides, many of these act as nefariously as regular swindlers. Men who are not in the receipt of above three or four rupees a month, will sometimes be in debt sixty or seventy rupees, but not all to the same person; there will be ten rupees due to one, twelve to another, &c. Each sum has been borrowed under some real or pretended particular circumstance. The fraudulent debtor obtains twelve rupees' worth of cloth from one, on pretence of a marriage in the family, ten rupees in cash, on pretence of having an opportunity of remitting it to his friends, &c., all of which is spent in debauchery. To each, he declares that he is his sole creditor, mentions his service and his pay, and shows that in six or eight months he shall be able to discharge the debt by instalments. Are people to blame in lending a man a moderate sum of money, or trusting him with goods to a small amount, under such circumstances? It is only when one of the creditors, whose patience is exhausted after being repeatedly put off, prefers a complaint, that the whole is discovered. If such rogues were sentenced to hard labour, which they deserve fully as much as a thief, these sort of proceedings would soon be stopped; and if the judge had a discretion in other cases, it would check the improvidence of the lower orders, and make them cautious how they borrowed money. A man whose vanity now induces him to spend forty or fifty rupees on a marriage, would be content to disburse ten or fifteen. This would ultimately teach them forethought, and cause the introduction of a considerable portion of moral feeling; but no! our system is that the honest poor man must work hard for his bread, and that the rogue shall be well lodged and fed in idleness; but I refer for observations at large on this subject to No. XXXVIII.

What an enormous amount of fraud, perjury, bribery, and roguery of every description, has been introduced by our system of internal customs and transit-duties, not one of which existed under the native rule. The attempt to enforce the usury-laws which *cannot* be effected, has been only productive of perjury, forgery, and the demoralization of the people, to an extent which is scarcely credible. The universal administration of oaths, and several other points connected with our courts of justice, have

had a tendency to increase perjury very considerably, while the law for the punishment of this crime displays great ignorance of the native character, as explained in No. XLII.<sup>1</sup>

The absurd mode in which a general law is passed, for which there was no occasion, has also tended to foster dishonesty. Probably, a solitary case of hardship was brought to the notice of Government, where an invalid native soldier had been induced, for a small consideration, to mortgage his pension for several months in advance. Immediately a Regulation was passed (XII. of 1814), declaring such transactions invalid. Now, with the exception of a few poor unfortunates who have suffered by it, and the invalids themselves, the law is utterly unknown to the whole population. So that those invalids who are roguishly inclined, often get money equal to several months' pay, mortgaging the same as security, and then draw their pay themselves, and laugh at their creditors. The soldiers might certainly be arrested and thrown into gaol, on which the creditor is obliged to pay them a comfortable allowance.

Drunkenness, and the use of intoxicating drugs, have increased in an extraordinary degree under the English rule. I have heard many men declare that thirty or forty years ago, even in Calcutta, a drunken native was a perfect rarity. Now, they may be seen in numbers, lying drunk about the streets of that city, and, more or less, in every town in the interior, and not unfrequently in the villages also. What is the cause of this? Simply, that, in order to raise the revenue, almost every collector is trying to increase the number of his liquor, spirit, and drug-shops; to establish them in every hole and corner of his district, and to promote drunkenness to the utmost; often giving, underhand, summary and illegal assistance to the proprietors of shops to enable them to recover money for liquor sold upon credit. And for this, provided the revenue increase, they receive the approbation of Government. Nay, I once knew a collector who retained at the head of this department a man who had, when a public officer, not long before, embezzled a considerable sum of money and absconded, who was notoriously guilty of forgery, although, from the inefficiency of the judge, he escaped conviction, solely because he was

a good hand at promoting drunkenness, and thereby producing an increase of the revenue. In contrast, I will mention the conduct of a native chief, related to me by an old gentleman, who came to India more than sixty years ago. Shortly after his arrival, on being sent to reside at Kishnagur, he was obliged to ask the rajah's permission to have a man to procure toddy for his friend: the rajah consented, on the condition that a sentry of his own should accompany the man, to see that he brought just no more than sufficed for his master's use, for fear he should ferment and sell it, and thereby introduce drunkenness among the people. The native rajah did not want a revenue obtained at the expense of the morality of his subjects; the British-Indian government encourage as much drunkenness as possible, provided they reap the profit from it.

It has been allowed as a general truth, that the more connexion the natives have had with the English, the more immoral, and the worse characters in every respect, they become. No inconsiderable number of reasons have been adduced in support of the correctness of such assertions, and it is probable that little difficulty would be found in finding many more. On the other hand, scarcely an attempt has been made to introduce better feelings among them, or to improve their character: nay, individually, in order to save ourselves a little trouble, we often, in reality, sanction great misconduct. Yet masters might all and severally do much. You may see men to whom, as they are leaving a station, complaints are made by different shopkeepers against their servants for considerable debts. The master refuses to take notice of it, and, as suing the debtors would, for the reasons above-mentioned, be only adding loss to loss, the creditors are obliged to put up with that they have already sustained, and the servants are encouraged to pursue the same conduct at the next station. On the other hand, I have known a man look carefully after the concerns of his servants; if he found a man habitually living beyond his income, he would discharge him, on the principle that, if he were hard pressed by his creditors, he would be driven to dishonest practices, and that, finally, his own property would be insecure. This person encouraged them to save; and if any one had accu-

mulated a sum of money, and were about to have a marriage, or other occasion for expense in the family, the master would advance a similar sum, to be repaid by instalments. He was equally on the alert to watch every deviation from truth, and to check immorality, profligacy, and other faults. The result was highly satisfactory; and I am convinced that much more might be done in this way to improve the character of our immediate attendants than is generally supposed.

But, notwithstanding the favourable impression of the native character conveyed in these papers, I regret to say, that they are gradually deteriorating, and that it is daily becoming more difficult to procure respectable and well-behaved attendants. It is among the class of servants and attendants upon the English that immorality and roguery are making the greatest strides; and the tie between them and their English masters is hourly becoming weaker. All this is unavoidable from the position of the English in India, subject to continual changes of abode, and leading a life which has every tendency to make them indifferent and uninterested in the country and people; and while the present state of things exists, there seems little hope of any amendment, but, on the contrary, the increasing progress of vice and degeneracy appears almost a necessary consequence.

July 8, 1835.

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### No. LIII.

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#### CHARACTER OF THE PEOPLE, *continued*.—MISCELLANEOUS OBSERVATIONS.

IN this paper, which will conclude my observations on the subject for the present, I propose to consider various minor points which strike us to be absurd, simply because they are different to what obtains among ourselves, though very often this impression arises from ignorance and want of thought, since, in many cases, a complete parallel might be instanced.

One of the first things which young Englishmen, on their first

arrival in India, are struck with, is the frequent use of the word *bundah* or *gholam* (slave). The servants, in replying to an order, for instance, will say, "Your slave will see it done." It is very true that these terms *literally* signify *slave*, but in common parlance they mean no more than "your humble servant." Do we not, in official correspondence, nay even in writing to a stranger on private affairs, conclude with the phrase, "I have the honour to be your most obedient humble servant," *i. e.* "I deem it an honour to be considered your humble servant?" and in proportion to the rank of the individual whom we address, do we not increase our terms of respect, even though he may be on an equality with ourselves? "I have the honour to be, my Lord, with high respect and esteem, your Lordship's most obedient humble servant," is a very common mode of signature by a gentleman to a peer, or from one peer to another, &c. &c. "Oh! but," we say, "this is mere form and custom:" granted—only let us refrain from showing our ignorance of the common forms of civilized society, by ridiculing the natives for a similar custom. The words *junab alee* (your highness), *huzoor* (your presence), *moorshed* (my patron), and several others, the occurrence of which, in some official proceedings, has lately given rise to some sneers and attempts at wit, in some of the public prints, are perfectly synonymous with, and, in common parlance, mean no more than the terms "your honour," "your worship," &c. in constant use among the English.

In point of flattery and complimentary forms, however, the natives outdo us a hundred fold, at least according to the prevailing fashion in England (though not above a century ago, if we look at some of the letters of that date, and in particular, the style of dedicating books to great men, complimentary addresses of poets, bards, &c. there is not so great a difference, considering the different idioms of the languages as we may imagine), and they constantly disgust us by the fulsome and servile language they make use of in their attempts at civility: not that the English are at all inaccessible to flattery; provided it be administered with tact, no people are more open to it. Perhaps among the characteristic faults of the English character, vanity and selfish-



ness are most pre-eminent; and provided you flatter the one, or administer to the other, you may do almost any thing with an Englishman. But, unfortunately, the modes of doing so are so different between the people of each nation, that it is almost as impossible to make the two-amalgamate, as it is to mix water and oil. It is only constant intercourse, and an intimate knowledge of each other that teaches the Englishman to rise in some degree to the elevation of oriental bombast, and the native to lower his tone to the moderation which will suit the taste of the Englishman. In illustration, suppose a man's opinion be asked of another's horse, which had been abused by one or two friends; the Englishman, who wished to flatter, would say something to this effect—"Upon my word, a very tolerable horse; I expected to see quite a rip, but this is really a very decent nag; not very handsome certainly, but looks well calculated for work, and I dare say you will find him a cheap bargain." This pronounced in a proper tone would be greedily swallowed. The native, on the other hand, would launch out—"What a splendid horse! one of the finest I ever saw! such horses are not to be easily had now," &c. &c. completely overdoing the matter. Among themselves, all this high-flown nonsense is thought no more of than common politeness and civility among ourselves; mere form and words of course. It is like the Turk's daily dose of opium, which has long ceased to give him any particular pleasure, but which is brought to him and swallowed from habit, as if he could not do without it. We might do much towards checking these hyperbolical compliments, on the part of the natives, by quietly intimating to them, when they visited us, that such did not suit our English taste.

Credulity and superstition is another fertile field on which we indulge our contempt of the native character, forgetting that all the votaries of a false religion must necessarily be under the influence of such powers; and certainly the natives of India have a most extraordinary belief in what is wonderful and absurd. But I doubt much whether the common people are more credulous, in this respect, than the lower orders of English, even with their superior faith and education. In short, under peculiar cir-

cumstances and states of mind, few are wholly free from superstitious influences. Thousands believe the tick of a spider, which they call the death watch, the scream of an owl, or the croaking of a raven, to foretell death in the family at no great distance of time; and I have known a whole family, under feelings of great anxiety during the sickness of one of its members, fearfully disturbed by such a "token," as it is called. A horse shoe is constantly nailed up against a door to prevent ill-luck. Sailors will never, if they can help it, sail on a Friday; and when they have a calm, firmly believe that whistling will bring a wind.

In many parts of England the common people believe that the snake, which they call the deaf adder, has the following words written upon the inside of its skin:—

If I could hear as well as see,  
Nor Lord nor Duke should pass by me.

Some birds are held as omens of good luck, others as of evil import. The magpie has a distich peculiar to itself; and I have often seen the countenances of a whole party of pleasure brightened or clouded by the appearance of one of these birds, as they were setting out. The rhyme is as follows,—I dare say familiar to many of my readers:

One for sorrow—two for mirth,  
Three for a wedding—four for a birth.

In many parts of England, and indeed not many miles from London, I firmly believe, that were any one to offer a peasant a hundred guineas down, he would not be able to persuade him to shoot a robin redbreast, or a wren; in such superstitious reverence are these birds held. A cat, too, has a variety of superstitious feelings connected with it; and some people will not allow a black cat to enter their house, it being, I fancy, usually associated with the idea of a witch. Witchcraft itself has still not wholly lost its power over the imagination, in some of the remote parts of England; and in France hardly a year passes that some people are not severely punished by law for putting to death some poor wretch, under the idea of his or her being a wizard or a witch. The influence of "the evil eye" prevails among the lower orders of England to a great extent. Any disorder or murrain among

the cattle is, by farmers, generally attributed to this cause—and I knew one instance in which a clergyman was called in by the family, not long ago, “to lay the witch.” A poor woman in a village near a very civilized part of England, who, from some dreadful disease, had her features distorted, was by her neighbours suspected of “an evil eye;” and rendered miserable, in addition to all her bodily sufferings, from the want of all sympathy or assistance from those around her; had not the clergyman of the parish visited her, and by his kindness and consideration soothed her mind, she would have lost her reason; and it required all his influence with her neighbours to reason them into a contrary impression. This is a very common superstition among the natives of India; and, indeed, I fancy many parallel cases might be drawn; and perhaps some philosophical mind may hereafter be induced to pursue the inquiry (which has already been done among European nations), as to the origin and analogy of superstition in the eastern and western worlds. There is, however, this great difference, that in England, with few exceptions, in the present day, it is confined to the lower orders, while in India the upper classes are almost equally subject to its influence. In our intercourse with them, however, we might confer considerable benefit by attempting to lessen their belief in the supernatural. For my own part, whenever a Hindostanee gentleman has related any story about subjects confined entirely to the affairs of this earth, and which, though improbable, might be true, politeness induced me to appear to credit it; but whenever he introduced the supernatural, I considered it carrying complaisance too far to let him imagine that I believed it; and if he declared that he had himself witnessed what he described, I endeavoured to persuade him that what he had seen could not have been real, but must have been a *deceptio visus*.

In arts and sciences, as I have before remarked, they are on the whole still a long way behind us, and are likely to remain so as long as the exactions of our Government continue to weaken their energies, and impoverish their means of exertion. But abolish, or at least amend, as was suggested in No. L., the internal transit duties, which are now destroying all trade and

manufactures with rapid progress; take off the virtual embargo on the export to England of the staples of India, and we should soon see a very different state of affairs. With respect to science and information, the natural capacity of the people is great. If Government, and those individuals who feel an interest on this subject, would pursue the only feasible plan of imparting these to the mass of the people, *i. e.* cause translations into the vernacular language and character to be made, and establish a sufficient number of schools for teaching the same, while every facility was given for instruction in the English language, ignorance would soon be dispelled from the land, and knowledge would burst forth with a light that would astonish and even dazzle us. It is to be hoped that Government will shut its ears to the attempts now making by a few individuals learned in oriental lore, to appropriate any part of the small sums destined for the education of the people, to the purpose of teaching Persian, Arabic, or Sanscrit. There is not, in all three languages, any knowledge that will be useful to the people at large. If that learned body are so fully satisfied of the importance of these studies to native education, let them exert themselves, and stimulate those natives who are of the same opinion, to support institutions for the purpose, at their own cost.

With all our boast of superior intelligence, however, in the arts of life, we should consider that it is only within little more than the last half century that we ourselves have made such rapid progress in science and manufactures; our grandfathers wore linen which was spun in their own households, or imported from foreign countries. In Scotland, and in the north of England, the former custom still prevails, and old persons still fancy no cloth can be strong that is not made with hands. Almost all our most powerful machinery is the production of the last fifty years; the steam-engine has been called into practically useful existence only within a few years; and it is to this, above all other inventions, that our greatest improvements are owing. Another thing, too, we should consider that the natives are in a most unfair situation for making a comparison between the respective proofs of improvement and civilization. Owing to the oppression of Go-

vernment, and the prejudice of individuals, every impediment is thrown in the way of native advancement. By the former, native productions are saddled with an almost prohibitory tax, while every encouragement is given to supplant them by English manufactures; and the latter must have almost every article they use from England, despising all "black fellows' work." Although, in some minor matters, the skill of the natives has increased of late years, generally speaking, in arts, sciences, and manufactures, they have retrograded, and are inferior to those who lived a century ago.

But though in the great commercial towns of England, and in those counties where manufactures, and the means of rapid communication exist, the general improvement of the country is almost universal; in some of the less frequented parts of the country, we are yet in a very rude state. In Cornwall, for instance, you may see a single horse in a plough, with no other harness than a temporary straw collar, a hame, and pair of traces. You may also meet a cart with a horse in the shafts; two oxen in front of him; and another horse in front of all; thus showing great ignorance as to the relative powers of the two descriptions of animals, and causing much loss of labour. The natives have made some inventions, on which we piqued ourselves greatly when we first discovered them. The drill plough was known in Hindostan years before the English heard of it; and the patent breeching for guns, which was so vaunted on its invention in England, about forty years ago, has been known in India for a century or two. I have already alluded to our contempt of the rude work of the natives, and yet theirs was often found more applicable to the climate and country than ours. An Englishman once attempted what he imagined would be great improvements in farming: he certainly produced finer crops than his native neighbour; he realized a return of about thirty at an expense of forty or fifty—the native received a return of twenty-five at an expense of ten.

I by no means intend to intimate that improvements cannot be introduced into India, but it must be done with judgment, with reference to climate, and various other circumstances. We

are exceedingly prone to imagine the people of India strongly prejudiced in favour of old customs: they certainly are so, to a great degree, and in some points it would be very hazardous to interfere with them; yet they are by no means invulnerable on this point, nor uninfluenced by the causes and impressions which have their effect, more or less, upon human nature in general. Ridicule, example, or a different turn being given to an old idea, will often prevail with them where argument or reason might fail. I recollect an instance where a mere joke caused several Hindus to refrain from performing ceremonies which they had previously intended to do. An Englishman was on a visit to a fair at some holy place on the Ganges. On reaching the place, of those who went on with the advanced tents, one immediately performed the ceremonies, part of which, for those whose parents were deceased, consists in shaving the whole head, including the beard and moustaches: on the master's arrival, he jestingly told the man he had not added to his beauty, for that he had made his face resemble a monkey's posteriors: three or four others, who had intended doing so, refused to shave their faces, while the poor man, who was already in the scrape, like Esop's fox who had lost his tail, was saying every thing he could to bring them into his own predicament. No, they said, they would forego the ceremony rather than acquire the nickname of monkey's hind-quarters\* (which had immediately spread among the other servants), for the next two months, till their moustachios were grown again.

In common affairs, provided a little trouble be taken in teaching them, and explaining what they do not understand, especially if they see the practical advantage of what is recommended, they will not be slow to adopt new customs. In some things they are far more willing to do any thing out of the common way than English workmen. A man who keeps an Indian carpenter has only to tell him "I want a carriage, a boat, or any thing else done"—the man never made such a thing in his life before, but he never hesitates a moment; "tell me the measurement, size, &c. sir, and show me how it is to be put together," is his only reply, and forthwith he sets to work. Now, most English work-

\* A simile commonly applied by the natives to our smooth-shaven faces.

men will positively not do any thing "*out of their line.*" Indeed, in a remote part of England, you may go to a master tradesman and ask him, as a favour, to do a little "job," which he could do as easily as any thing, in his own immediate way, offering to pay him extra, to save the trouble and delay of sending many miles for the article wanted; it will often be with the greatest difficulty that you will get what is required, and now and then it will be refused altogether; the only answer to be drawn from the man being "can't be done, sir." "Not in our line, sir."

As to agricultural improvements, I appeal to those who have had any experience in country affairs at home, and to those English gentlemen who have made the attempt in England, for the extreme difficulty of persuading an English farmer, gardener, or peasant, to adopt the smallest change in the habits to which he has been accustomed. It was not till country gentlemen themselves, and at their own risk and expense, made the experiments, that any thing was done; and they were often counter-acted, in every possible way, by their tenants and labourers; for *one* cheerful obliging man, they would have a dozen sulky and obstinate boors to contend with, while the upper farmers themselves sneered at and ridiculed the "gentlemen farmers." They persevered, however, and seeing the good effects of their proceedings, the farmers found it their interest to co-operate with them; the result of which is, that England is the first country in the world for agricultural improvements.

Cruelty is another of the vices for which the natives are said to be distinguished. Now, as far as my experience goes, I certainly should say that the English are decidedly more cruel by nature than the natives of India. Unless children are early taught humanity to animals, a lesson which cannot be too early inculcated, they are almost always disposed to be cruel; at first, perhaps, from ignorance of the pain they inflict, but often, if not corrected, from a pleasure in teasing or tormenting. As school boys, the whole zest of by far the greater number of our amusements or games, consists in practical jokes, or inflicting some injury to the person or property of some boy. Robbing birds' nests, for no use but the pleasure of breaking the eggs; spinning

cock-chafers; torturing dogs and cats; in fact every animal that they can get within their power, are the common amusement of English boys, even of the highest ranks: as they grow older, cock-fighting, badger-baiting, bull-baiting, fighting dogs, are, whenever they have the opportunity, the entertainments most relished by the common people, in which, I am sorry to say, they are often encouraged by the country gentlemen. There is something comparatively noble in a Spanish bull-fight, when the combatants fairly risk their own lives, though this has its horrors; but the English system of keeping themselves in perfect safety, while they set dumb animals to torture each other, is at the best, but a low cowardly pastime, and totally unworthy of a civilized nation. It is probably this preparation in youth, that causes the English troops, during the storm of a town, to commit the barbarities of which they are guilty.

The Moosulmans are as well versed in the cruelties of fighting animals as we are, but this, as well as all that we have mentioned above, are almost unknown to the Hindus\*. The only exception is the birds'-nesting by the boys in the Himaleyah, but this has an object, and is not mere wanton cruelty. It is the custom among the peasantry there, to take one meal in the morning, about seven o'clock, and one at dusk. The boys, who are sent immediately after breakfast to tend the cattle while grazing, and remain out the whole day, become very hungry towards the afternoon; they, therefore, are always on the watch for birds' nests, and as soon as one is discovered a snare is set over it: no sooner is the old bird caught, than they, having always the means of lighting a fire about them, grill and eat it.

What is more common than for boys in England to go out at night (even at our great public schools) to break windows, cut down trees, throw people down by tying strings across the road, or commit other injuries to person or property? It is remarkable and contemptible, that the mischief committed by English boys contains not one spark of wit or ingenuity; the merest fool could invent it as well as the cleverest. And here I will give an anecdote in illustration of this propensity to mischief, which shews

\* Some Hindu princes keep elephants and other animals for fighting.



that it does not always cease with the season of boyhood, but that in India the natives are not unfrequently its victims. In many parts of the country, the sweetmeats, which form so large a proportion of the food of common people, are composed merely of flour and sugar, formed into a variety of shapes, and dipped into boiling clarified butter, to make them crisp, which is kept ready for the purpose, in very large broad pans. At the Hurdwar fair, there is, of course, a great demand for sweetmeats of all kinds, and the street is lined with shops; at each of which the *hulwae* (pastry-cook) is seated with a large pan of boiling butter before him, replacing his stock as fast as it is sold. Some years ago, the magistrate of one of the neighbouring districts, mounted on his elephant, having provided himself with a large number of bails (a round hard fruit as big as a large orange) passed through the street, dashing one into each of the pans of boiling butter, splashing the poor *hulwae*s, and of course scalding them severely. He would not have dared to treat a set of booth keepers so, at an English fair; but here, in the character of an official dignitary, himself out of the reach of their anger, and followed by half-a-dozen armed policemen, he could show off his courage with impunity. This, it will be said, is but an insulated instance: but it was told, all over that part of the country, as an excellent joke, received by most of the hearers in the same light, and again repeated!

Mr. Ward, in his history of the Hindus, described the natives as not possessing the least sense of filial duty or gratitude: that when grown up, they often abuse their parents, and even beat their mothers. As regards those of the upper provinces, of whom Mr. Ward knew nothing (but he makes no distinction, and speaks of the Hindus in general), it is a calumny; and I suspect that, even when applied to the Bengalees, it is, like almost every other assertion made by that writer to the disparagement of the natives, a most gross exaggeration: but notwithstanding Mr. Ward's prejudices against the natives, he was too conscientious a man not to bear testimony to their having some good qualities, when, much to his astonishment, they were brought to his notice. So far, indeed, from their having no sense of filial

duty, nothing is more common than for soldiers and servants to save regularly a part of their wages, and transmit it to their parents. There is not an Englishman, who has been some time in India, who cannot corroborate this; and I think it is just as common among the Bengalee servants as among those of any part of the country. Indeed, not long ago, I heard an instance of a Bengalee tailor having accompanied a gentleman to England as a servant, remaining there and marrying an English wife; but having a wife and mother in Calcutta, he regularly remitted to them money from England. The Orissa men are, however, the most praiseworthy on this head. In justice to the Bengalee Hindus, I must mention another good quality which they possess—hospitality. A Bengalee residing in the upper provinces, thinks it incumbent on him to feed and lodge for the night any Bengalee who may come to him: whether they do this in their own immediate province I cannot say; probably not—for the expense there would outrun the largest income. In the upper provinces, travellers from Bengal are few. Hospitality is indeed a virtue largely possessed by the natives in general, both Hindus and Muhammedans, especially by the latter, who do not confine its exhibition to their own sect so much as the Hindus do.

The general tenor of these papers, is to exhibit the natives of India in a more favourable light than that in which they are generally viewed by the English; but there are the dark sides of the picture, of which the following account of superstition and atrocity will give some idea. A man who was very ill, finding no benefit from the doctor, consulted a Brahmin priest. Now, one of this order will never allow any supernatural intervention to be beyond his power, though, to get out of the scrape, he will often prescribe some perfectly impracticable ceremony of worship as the only efficacious remedy. The priest accordingly declared that the man could be cured by certain ceremonies, but that, the disease under which he laboured being deadly, could only be extinguished by death. That the water used in the rites to be performed, must be drunk by some individual, whose death would be evidence of the acceptance of the worship, and of the patient's cure. The wretch, firmly believing what he was told,

embraced the proposal, and forced his own daughter to be the victim. The rite was performed, the water drunk, and the child died. The wretch apparently revived at first (probably the effect of imagination), but soon followed his child to the funeral pile. The Brahmin, a man of high caste, who related this to the person who told it to me, was asked by the latter, how he accounted for the child's death? "Are you an Englishman to ask this? the water of course was poisoned; and the wretch who administered it cared little for the consequences, when the result, among the weak and ignorant, was an increase of his own reputation for supernatural power," was his reply.

Horrible as this is, we need not conclude that such practices are common, any more than that all Englishmen are murderers, because Burke and Hare killed people merely to sell their bodies. In the present instance, all communication with the wretch was refused by his relatives.

One very remarkable feature of the natives of both classes, particularly of the lower ranks, is inattention, and a want of exactness; though I doubt whether this be not more or less peculiar to all uneducated people. The height, however, to which it is sometimes carried, is almost incredible; and yet, before I came to India, I had heard them spoken of as the most exact people possible: that if you once told them the quantities or measurement of any article to be consumed, they would never afterwards mistake or forget. Nay, I have heard an anecdote related of a lady, who having given a dress and some muslin to a tailor to make her a gown exactly like the pattern, was so literally obeyed, that the new gown was brought with a *darn* in it, because the old one chanced to have one! If such a thing ever happened, it was most probably owing to the muslin having been torn by accident; but I rather suspect it to be one of that class of good stories against the natives which I formerly ridiculed.

So far from finding them possessed of this quality, with all I have ever had to deal with, from Calcutta to the Sutledge, except among those who have been taught it by the English, I have found exactness to be an unknown quality. It is like a new sense; they understand not what it means; and it is the

acquisition which a master finds the most difficulty in teaching them. Send for a village carpenter, and tell him to bring you a piece of wood exactly three feet long, he will probably bring it an inch too long or too short; the real truth being, that he cut it out by guess; and on making enquiries as to the mistake, he would only reply, "I did not think so small a difference would signify." So with table attendants. Men who like to have a good table, have sometimes taken the trouble to have recipes for English cookery translated into Hindostanee, and supplied their servants with weights and measures, and every requisite for preparing a dinner; yet it is with the greatest difficulty, sometimes requiring even personal superintendence, that they can get their servants to use these things, and prevent their doing every thing by guess. I knew a man who, in order to ensure that any direction to a servant was correctly carried into effect, made his servants repeat the order: it was a full month, at least, with any of them, often longer, before he could teach them to repeat word for word, though only consisting of a short sentence: although, in their own clumsy jumbling manner, they could give the substance of what they had been told correctly enough, often putting the last part first, and the first part last.

There is one species of blunder the servants are constantly making, which is supposed to arise from stupidity, or want of exactness, but which is in fact owing to a very different cause. For instance, a person calls to the *chuprassie*\*, who is in attendance outside the room, and, on his answering the summons, points to a table on which there are several books, and says, in as plain language as possible, "bring me that red book." The servant goes to the table, and brings a black or green one. This is not stupidity: the reason is as follows. The lower orders of natives are in this respect like dogs; if they sit down, unless they are actually doing something, they fall asleep, or at least into a dose: on hearing his master's call, the servant enters the room only half awake, and the only word that catches his ear is "book,"—he does not like to ask which book, knowing that his master would immediately infer that he had been asleep; and,

\* Chuprassie, in private service, is a sort of lackey.

fearing some slight penalty, such as being kept in attendance an hour or two beyond his time, or some additional duty, he consequently brings the first book that comes to hand, thinking, "if I am right, well and good; I can but be found out after all." A very good plan is, to give those in immediate attendance something to keep them always employed: skeans of thread to unravel; coarse nets to make for the garden; or any easy work of that description: indeed, if any one would take the trouble to teach them, they would soon learn to make a great many things which might be useful in a family; for instance, they might be taught to knit stockings, make tapes and bobbins, &c. This constant employment keeps them awake, and quickens their intellects, while it prevents much annoyance to the master. It must, however, be allowed, that many of the lower orders of natives exhibit stupidity in the extreme; the intellects of some who, however, are by no means idiots, are certainly not of a higher order than what is possessed by an animal, and their faculties more resemble instinct, than sense and the power of reasoning.

The last peculiarity that I shall mention, is one regarding opening a lock, for it is an extraordinary one. I never yet knew a native who, however well he might know the way a key ought to be turned, if he found the lock a little stiff the right way, did not immediately whisk the key round the other way, I have often spoken and explained the absurdity of it to them without effect\*.

I have now finished my remarks on this subject for the pre-

\* This peculiarity is not, however, confined to the natives of India. I once went into a shop in Brighton to buy a watch key. Among others, the watchmaker showed me one which he had just invented, so contrived, that in winding up the watch, if the key were turned the wrong way, the top of the key only would go round; if turned round the proper way, it would wind up the watch. I praised the ingenuity of the invention, but observed that it was useless, since no one would make such a mistake.—"Oh! no, sir," replied the watch-

maker, "it is very common, particularly among ladies. You would be quite surprized to see the number of watches brought to us for repair, which have been injured solely by turning the key the wrong way; had it not been so, I never should have thought of trying my hand at the invention." Whether the heads of the ladies become more in a miz-maze at Brighton than at other places, so as to render this accident more common there than elsewhere, I cannot take upon me to decide.

sent, my reasons for entering upon it at all, and for touching upon it thus superficially, were given in the last number. One part of Mill's work has been productive of incalculable mischief, both to the minds of the young men who successively come to India, and to the interests of the people. In depicting the character of the natives, Mill has raked together all the authorities on one side, and has painted the nation as degraded by every vice and superstition imaginable, with scarcely a redeeming good quality. I have often wondered that those who are fond of entertaining such horrible opinions of the whole people of India, particularly so acute a writer as Mill, should never have reflected and inquired how the fabric of society was sustained in a nation so sunk in crime for so many ages: it would have crumbled to pieces centuries ago, had these ideas regarding the natives been correct. The misfortune is, that the young men read Mill's account (that being a standard work on India), and arrive in India deeply imbued with prejudices, which it often requires years to correct, and which have an excessively injurious influence upon themselves, and upon the interests both of Government and the people. They may be assured, that the natives of India have, like other nations, a due proportion of good and bad qualities. The Court of Directors would do a wise act to present every young man leaving England for their Indian service, with a copy of Sir J. Malcolm's instructions to his assistants; the benefit would more than repay the cost; and should these papers, when published in England, ever meet the eyes of any young men destined for India, it will be a subject of congratulation to me, if they should be induced by the perusal to postpone forming an opinion of the people of India, until they have had the opportunity of mixing with the better classes, and judging for themselves.

*July 10, 1835.*

*P. S.* Talking of the credulity and the readiness with which people give credit to an absurdity, and hand it down from one to another, without even exercising their judgment, I cannot help alluding to two most ridiculous notions, which are, with

few exceptions, prevalent with the whole English population in India. One is, that bamboos in a jungle will take fire by the friction caused by the wind: the other, that the mere running over a bottle of wine by a musk-rat will spoil it, because the wine will taste of musk.

As to the first, let any one try the experiment, which I have done. Take two bamboos, and rub them together till they take fire; for which purpose three or four men, to relieve each other, will be necessary, so great is the labour required. Then, when a high wind blows, go to any bamboo jungle; select the clump which appears most in agitation, and observe the two branches which are rubbed against each other with the greatest friction. Watch carefully, and you will see that the slow vibrating motion gives about the thousandth or two thousandth part of the friction necessary to set the tree on fire: I never could even perceive the slightest warmth at the parts where the branches rubbed with most friction\*.

How then do bamboo forests catch fire? (which, by the bye, is a rare occurrence, for they are seldom dry enough to burn.) In a very simple and accountable manner:—Wherever bamboo jungles exist, there is plenty of grass. During the rains, on account of the unhealthiness, no one enters the jungles: about October, when the wood-cutters and cattle-graziers venture into it to pursue their respective callings, the grass begins to turn yellow, when the cattle will no longer eat it; but, as soon as it is burnt, fine green grass springs from the roots: it also grows from three to twelve, or even twenty, feet high; often as stiff as reeds, and as thick as a man's thumb, and quite impenetrable. Consequently, wood-cutters, herdsmen, and even the bordering villagers, as soon as they have secured enough to thatch their cottages, set fire to it, whenever, and wherever, they can find it dry. English gentlemen often do so for sport, or to rouse up game. Consequently, from October to June, there is a perpetual succession of fires all over the jungle, which sometimes is

\*. When a bamboo cane is dry enough to burn, it is a slender stiff stick, with a few slight twigs, scarcely affording any surface on which the wind may act to agitate it.

communicated to small trees or bushes, and bamboos. According as the soil be more or less swampy, some parts of the grass is not dry enough to burn till May or June, some never sufficiently so. Then again, in April, May, and June, there is another succession of fires, confined entirely to the forest jungle, and caused by the burning of the dry leaves. It is from these chiefly that the young trees and bamboos are burnt. It is a beautiful sight to see a line of fire, ten miles long, upon the ridge of a hill, shining at night with the utmost splendour—only to be marked in the day by a little smoke; blazing out again as soon as the night sets in (only so much higher up the hill), but as regular as a line of soldiers, until it disappears over the top of the ridge. It then marches down the other side, up the next ridge; and, several days after, reappears on the summit of the second range, which overtops the first. It is a curious fact, that although the flame of these fires from the leaves is rarely above a few inches high, it is far brighter, much more steady, and makes more show, than the flame from the grass. The latter is burnt in patches, a flash and all over. Yet I have seen from a fine dry bed of high grass, or rather reeds, a volume of flame suddenly burst out to the height of full forty feet. The confined air in the joints of the reeds exploding like pistol shots; and the whole air filled with birds, darting through the very flame and smoke to catch the insects driven from their shelter:—and a fine wild sight it was.

Regarding the second, on my first arrival in India it struck me as so extraordinary as to be worth inquiring into; and first for theory. I observed that no wine *really* bottled in Europe ever tasted of musk (which, after all, is possible, supposing the corks to have grown rotten, and the bottles recorked at Calcutta.) Second, that one solitary bottle from the very centre of a chest of wine was sometimes tainted, while those around it were perfectly pure; yet the rat must have run over others to reach the centre. Thirdly, that in the cellars of people of small incomes, the wine being brought in small quantities, was usually kept in open baskets, where musk-rats abounded; yet that no greater proportion of this wine was tainted, than that kept in close



boxes. So much for theory. For experiment, let my readers rub a musk-rat all over a bottle, and serve the wine out to a party of friends, without letting them into the secret, it will be found perfectly free from taint, (only the bottle must not be brought into the room, nor must the man who handles it be allowed to enter, or to touch the glasses or any thing that it is taken in; if so, they would scent the musk, and fancy it was in the wine.) I knew a person, who, on opening a chest half full of wine, found a nest of musk rats among the bottles, and, having a cane in his hand, he killed both old and young rats upon the bottles; yet the wine was perfectly pure. The reason why a bottle of wine sometimes tastes of musk, is, that the rats get about the mouths of the empty bottles as they lie in the cellars, and that the bottles are not washed with sufficient care. They also pollute the corks, which are often lying about in open packages; a cork so scented will contaminate a whole bottle.

I have dilated upon those two points, perhaps more than their importance deserved; but it seems desirable that such absurd notions should no longer be entertained, for want of a few moments' reflection and experiment.

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#### No. LIV.

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#### ON THE LANDED TENURES, AND EXPEDIENCY OF INTRODUCING A MODIFIED LAW OF PRIMOGENITURE AMONG THE PEOPLE OF INDIA.

It would enable my readers more clearly to comprehend this paper, were they to refresh their memories by perusing No. XVIII., the substance of part of which I will summarily recapitulate. The intent of it was to show, that although the Hindu and Muhammedan law prescribes equal division of landed or, indeed, all property, among sons or co-heirs, yet that, in practice, the most heterogeneous jumble of equal division, arbitrary and very unequal division, the law of primogeniture,

and, in some cases, all but community of property, had obtained. The eight or nine descriptions of the mode in which landed property often, or rather usually, descends in families, which are given in No. XVIII., will show the extraordinary confusion into which landed property must by this time be reduced, if judged by the abstract law of the case. The summary of these is as follows :—One of three or four sons (not always the eldest) will, at the father's death, contrive to secure possession of a much larger share than he is entitled to: this will usually descend to his sons, but rarely in equal portions. Sometimes a son-in-law, nephew, uncle, or other relation, will manage to obtain a considerable portion of the family lands, to the exclusion of the sons. In short, I do not believe, that, either among Hindoos or Moosulmans, a single instance could be found of landed property being divided, according to the law, among all the members of the family, for two generations together. In general, the most active, intelligent, and hard-working persons almost always obtain a much larger portion than their strict right; while the others acquiesce from indolence, being satisfied by a smaller share with less trouble.

It frequently happens that one or more members of a family will tacitly relinquish his or their share of the land altogether, and either subsist by working as a labourer, or by going to service; living sometimes with the family, at others altogether separate, or possibly with his father-in-law, at a village several miles off, and never during his life returns to claim his share.

Now, where such customs have existed from time immemorial, in a country where there have been no surveys, where no written records of the changes are preserved, where no registers of births, marriages, or deaths are kept, except in the families of the very rich, there is ample cause for confusion in the proprietary right to the respective portions of land into which the estates have become divided. In addition to this, the country has been placed constantly under young boys of three or four years' standing, one half of which has been spent in college and the journey to the interior, who were utterly ignorant of the people and customs of the country, yet who were allowed to assess the

amount of revenue, and have been vested with all sorts of judicial powers to decide claims to landed property of the most intricate nature. After all this, a claim is advanced by one of the family, or other person, to some portion of the estate. All is confusion and uncertainty. The revenue officers are usually guided by one rule; that is, to give the preference to the one who is most likely to pay his rent with the greatest regularity. The judicial officers under the idea of being guided by the Hindu or Muhammedan law, generally go back to the earliest ancestor whom they can trace, and, according to the number of sons in each generation, award to the suitor the portion which would fall to him. Then, again, the decision of neither one nor the other class of officers ever mentioned the number of acres awarded to any person; it was so many *biswahs*, *biswansees*\*, &c., without at all specifying in what part of the estate the land was situated.

It is difficult to decide theoretically which has been productive of most evil. By the revenue officers, estates or portions of estates were taken from one and given to another, those to whom they were given being registered, sometimes as thikkadars (renters), at others zemindars (proprietors), without any apparent reason for the difference; and, when disputes arose, to save the collector trouble, a reference to a previous register would too often decide who was to possess the land, without reflecting that it was some accidental circumstance, or perhaps a bribe to a native revenue officer, which had caused that individual to be rated as the owner of the land in the first instance. As Mr. Holt Mackenzie observed, in his minute of October 1st. 1830,—“A strange, arbitrary, and unreasonable force being given to the mere record at settlements, made in confessed ignorance, the revenue authorities held themselves bound by their own acts to maintain men of straw and paper as renters; while the courts frequently refused to interfere, on the grounds that unless possession were disturbed, there was no judicial cog-

\* A biswah is a twentieth part of the village or estate; a biswansee is a twentieth part of a biswah; a tiswansee, a twentieth of a biswansee; a minwansee, a twentieth of a tiswansee.

nizance; though exclusion from the government engagement might rob the possessor of all the profits that gave land a money value." The principle of decision, on the other hand, usually adopted by the judicial officers, would, were it fully enforced regarding every sharer in an estate, effect a complete revolution in the whole tenures. One man who, as well as his father before him, had worked as labourers, would suddenly be declared proprietor of a couple of hundred acres, without possessing any agricultural cattle or implements, or the means or credit to procure them; another would be brought from a distant part of the country, and pronounced to be owner of a hundred; others would be stripped of what they and their fathers had held for years; and sometimes it would even happen that the very head farmer, who had managed the concerns of the village with satisfaction to all concerned for many years, with a couple of hundred acres under his own cultivation, would be left in possession of only ten or twelve.

Practically, the evils produced by the proceedings of the collectors has been much greater than that caused by the judges. These last officers were almost always men of considerable standing, and may, therefore, with some exceptions, be supposed to have acquired some experience and knowledge of the people\*. What sort of persons were too often appointed collectors, or to act as such, I have above described. Besides, the judge was obliged to go through a legal investigation before he pronounced his decision: the collectors merely held a short summary enquiry, and the order was given. Nay, a bribe to a native revenue officer would not unfrequently cause a man to be put in possession of a piece of land, while the ousted person might strive for months and years, and not procure justice after all. But were the principle on which the judges acted in suits for land fully carried into effect, it is probable that one half the lands in the country would be at once thrown out of cultivation, and most certain that affrays, bloodshed, and murders without end,

\* In this respect, the non-efficiency of the civil courts has been a benefit. Less mischief has been caused than if the suits had been more regularly heard.

would follow. Besides, the decisions are rarely just, according to the abstract law of the case. Written records, such as can be depended upon, do not exist; and the award is generally guided by tradition. The little dependence which can be placed on this may be imagined from the fact (an experiment easily tried by any one) that if a hundred men of the same family in any village were separately called on to give in a genealogical tree of his family for two or three generations, no two would agree together. Rarely indeed can any trace be followed beyond the grand-father or great grand-father of the existing race; but, after having numbered all that can be considered descendants of the farthest ancestor whose name can be discovered, in most villages there are many others of the same tribe as the disputants, and who undoubtedly are descended from the stock, though at a more remote period. Many of these have for generations held portions of land: why should not their rights be recognized? Yet in many instances they were absolutely dispossessed.

It is in the execution of decrees, when an attempt is made to cause the sale of landed property, that the confusion to which all the tenures have been brought is most strikingly forced into notice. Under the apprehension, I believe, that the revenue might possibly be in danger, the judges were never allowed to attach for sale land paying rent: they must do it through the collector; and the process is, to send to the latter to enquire what is the debtor's portion of landed property, and, after certain forms, to desire him to sell it, and remit the proceeds to court for the purpose of being paid to the plaintiff. Now, with the exception of the papers relating to the survey lately carried on, and on which I shall say something presently, the whole of the Persian, and probably half of the English records, in all the revenue offices in the upper provinces, are the greatest mass of trash and misstatements that ever were collected together. Scarce one atom of real information could be collected from it all. I speak advisedly. Most of the collectors pretend to have made minute enquiries into rights, titles, possession, and other points of this nature, and to have formed accurate registers of the

result. This has been going on for thirty years or more, yet there does not exist one single officer, English or native, connected with the revenue department, who, of himself, and from his records alone, without making local enquiries for the express purpose, in each case, could point out the land which belonged to any single individual in the country !

In proof of what is above asserted, I will give a few specimens of the replies very commonly received from collectors when enquiries are made as to the amount of the landed property belonging to a debtor. Very often the answer is that "a man's name is entered in the books as proprietor of a certain quantity of land; but that it is not all his, as there are several others entitled to shares; but the respective portions of these have never been investigated." In other cases the collector reports, that "having successively called on the office record-keeper, tuhseeldar, and kanoongo \*, none of whom could give any information, a reference was made to the putwaree, who states defendant to possess so much." In one instance, the information from the collector's office was, that "one of the defendants, Jeewun, had a share but he could not say how much. The putwaree's report was, that Jeewun possessed a quarter of a biswah, the other defendants none at all; while the kanoongo states that Jeewun possesses two biswahs, and Dhunnoo, another defendant in the same suit, one."

In another, the collector reports the defendant to possess no land; the kanoongo assigns him a portion. Precisely the same as this occurred over and over again. The collectors often, indeed generally, call for a report as to the share of the individual's land from their own officers, the tuhseeldar and kanoongo, and receive replies as to the amount of the share, each differing from the other. It never seems to strike them how utterly incorrect and useless their records and registers must be, when such is the case; indeed, so little do they appear to think about it, that they usually forward all the reports to the judge. I wonder they have not the *nous* to send him one, and keep the

\* Tuhseeldar, subordinate revenue officer. Kanoongo, a sort of village or parish officer, to keep registers of lands, leases, &c.

others safe in their own office. Then, again, after the collector has reported a defendant to possess so much land (some very small portion), repeatedly the plaintiff has come forward in the judge's court, declaring that to be a completely false statement, and offering to prove before any commission which should be sent to the village, that the defendant, and his father before him, has possessed and cultivated four, six, or ten times the quantity of land specified by the collector, and that it is on the security of this very possession that he has been able to borrow money. For all this there is no remedy: the collector has pronounced the defendant to possess only so much, and only so much can be sold. The judge is not allowed to interfere, not even when the report rests solely on the statement of the *putwaree*\*, who, for a small bribe, will declare a defendant's share to be one tenth of what it really is, that but a small portion of his land may be sold in satisfaction of the decree.

Then, again, the mode of stating what a man's share of an estate is, is most vague. It is not given in acres, but in biswahs, biswansees, &c. (these terms explained a page or two back), and when, after a world of trouble, so much land, or rather so many biswahs, &c., are sold, no man knows what is sold, or where it is situated; what portion of the groves or tanks of the village belong to that share; and the consequence of this loose mode of proceeding is according as the creditor's or the debtor's family may be the more rich or powerful. In the former instance, the debtor's family will stop the sale, by paying the demand of the creditor, in order to prevent his becoming the purchaser of the land, by which, in one way or other, they would be subject to much annoyance and loss. In the second case, the debtor's family threaten all intending purchasers with their ill-will, and thereby prevent the land being sold. The numbers of reports from the collectors of the sales not having been effected, in consequence of no purchasers being forthcoming, is quite surprising; and thus the poor plaintiffs are defrauded of their money. It is very different when a collector seizes goods for sale to realize

\* Putwaree, a village registrar of leases, prices of grain, rates of rents, &c.

some government balance; he can then be sufficiently active and summary: nor is he very scrupulous whether he has seized the right person's property or not. If others, unconnected with the defaulter, claim a portion of what is attached, the system too often is, sell it first, realize the Government balance, and so keep up your own character: leave these people to get justice as they can. I beg to assure my readers that I have known many of such proceedings. Indeed, to show the arbitrary nature of some of the collectors' orders, a case was lately brought to the notice of the Superior Court, in which one of these officers had by an arbitrary order reversed a decree of the civil court, given twenty-six years previously, and turned the old proprietor out of his estate because he had taken some personal dislike to him.

After such proceedings have been carried on for more than thirty years, it is no wonder that landed tenures have been brought into such confusion that no one could make a title. Within this four months a district judge reported officially to the Superior Court, that in his court landed property had almost ceased to be accepted or even offered as security: merely because he required two very simple conditions,—first, that the person offering himself as security should state plainly the number of acres he possessed; secondly, that on a summary enquiry in his village, his claim should not be disputed. There are few men in the whole of the Upper Provinces who could comply with these conditions. Is not this a melancholy state for a country to have been reduced to? and still more lamentable is it, that it has been effected not by any necessity, but by the ignorance and inattention of successive English functionaries. In the words of Mr. Holt Mackenzie's minute, before quoted,—“Instead of taking the people as they existed, we forced them into all incongruous positions to meet inapplicable laws; and their properties were necessarily thrown into a state of indescribable confusion, from a system of revenue management\*, conducted without judicial investigation, and of judicial decision without revenue knowledge.”

\* More properly *mis*-management.



But, it may be asked, where was the fault? what ought to have been done? Simply this:—Instead of following our own absurd ideas, and enacting laws totally unsuited to the people, we should have enquired what their customs were; we should then have discovered that in disputes regarding land between members of the same village, the abstract law of inheritance never was in the least regarded, either by any native tribunal or any native arbitrators. Unless in case of possession acquired by force, and that too but recently, actual possession invariably formed the grounds of the decision of the above authorities before the country was acquired by the British. I have known some judges who were perfectly aware of this; and have occasionally heard one, after giving a decision of the usual nature, observe, that he was quite alive to the injustice he was causing, but that he could not help it; and that if he were to give a really just decision, founded on the customs of the people, not only would it be reversed, and the abstract law reverted to, but he might probably receive a reprimand from the Superior Court, with whom all law was gospel. When Mr. Holt Mackenzie came to the Upper Provinces, in 1827, and witnessed such a state of things, it is no wonder that he should be anxious to have a change in the mode of administering affairs, of some sort or any sort. I quote the following from his minute of the 10th of October, 1830:—

“But on this (the eastern) side of the Jumna, quite a different state of things presents itself; for there the omlah are comparatively every thing, the English gentlemen little, the people nothing. Regulations are enforced, and forms observed, but no one can say with what practical result. The real is constantly quite opposite to the apparent result. Many thousand villages were alienated under all the modes of fraud and folly set forth in Regulation I. of 1821; and large communities sold as if they had been cattle, for the default of their directors; no one, from Government downwards, being able to say precisely what was sold.” “Instead of taking the people as they existed, we forced them into all incongruous positions, to meet inapplicable laws; and their properties were necessarily thrown into a state of indescribable

confusion, from a system of revenue management conducted without judicial investigation, and of judicial decision without revenue knowledge. Every district, consequently, presents a great number of wrongs, which every one sees ought to be redressed, but for which the most skilful regulationists can scarcely tell the injured in what shape they are to seek redress; and the people are bewildered amongst the various opinions and principles of the public officers."

Matters have at length, however, arrived at such a pass, that something should be done, and that speedily, to rescue the landed tenures from the anomalous and incomprehensible state to which they have been reduced. Government have, however, made one great step. For the last year and half a surveyor and junior revenue officer have been employed in each district, precisely on the plan recommended in No. XVIII., which was published in July 1833. The revenue officer ascertains the boundary of each estate; and where it is disputed, he is authorized to oblige the parties to appoint arbitrators, by whom the matter is immediately settled, and whose award is final.\* The surveyor then forms a map of the estate, with all its groves, tanks, roads, and other principal points: he also marks the cultivated, culturable, and waste land. After him comes the native surveyor, who fills in the detail of the different fields. This is, of course, not done with any technical exactness; but, having the surveyor's map for the basis, it is sufficiently correct to enable any person to know which field is meant, in the event of any dispute or suit. I believe every field is numbered; but whether the names of the respective owners or occupiers have yet been fully ascertained, I am not quite certain. It is, however, intended to do so. The board of revenue, with the sanction of Government, have followed this up by authorizing a

\* The only danger is, that when two or three insulated cases of injustice in the settlement of the boundary shall have been discovered—and such will to a certainty occur, whatever care may have been taken; for in some cases the young revenue officer who was employed on the duty was quite unfit for it—the danger is, that Go-

vernment will, as they have too often done, enact a general law, on account of a particular evil, and appoint a commission to revise the whole of the present boundary settlements. Better let the insulated injustice stand, than put every thing into confusion all over the Upper Provinces.

settlement for twenty years, on terms calculated to leave a fair share of profit to the cultivator. Anything like a Ryutwar settlement is as much as possible avoided; and collectors are prohibited from enquiring into any claim to land unless the dispossession have occurred within a year: all others are referred to the civil court. This last rule has given more satisfaction to the people than can readily be conceived; while the native officers are lamenting the sad diminution of their golden harvest which has been thereby caused.

One more step is now required under this head; to be guided by the native customs, throwing aside the incubus of abstract law (which never was followed in the matter under discussion until introduced by us); to take actual possession as the basis of a law, and declare that no man shall be ousted by any thing but a decree of a civil court. Some minor provisions would be required regarding the preferring of suits. When any portion only of an estate were claimed, the plaintiff should be required to state his demand, not by biswabs, biswansees, &c. but by the actual number of acres he sued for; and to accompany his petition or plaint by a map copied from that in the collector's office, which for a small fee he would be allowed to procure, showing the actual portion of land for which he sued, including groves, tanks, streams, &c., if any; and the boundaries of the same, with the names of the owners of those lands which bordered on the litigated portion. A judge would then understand his ground in a suit regarding land, which is rarely the case at present. The requisition of such particulars would doubtless prevent many suits from being preferred—frivolous demands, having scarce a shadow of foundation; but they would not in the least deter those whose claims rested on good grounds. Finally, as soon as completed, the new settlement should be declared perpetual; but this has been so often urged in these papers, that I shall say no more about it.

The next step is the introduction, to a certain extent, of a law of primogeniture. The system of equal division of landed and other real property among sons or co-heirs, is the curse of any country in which it obtains; at least of any which contains

a large population : in one like America, where immense tracts of the richest soil may be had almost for asking for, the evil may for a considerable time be less felt. It effectually prevents any family of landed property from keeping their station in society ; in the course of a few generations, or even of one or two, the majority of the members must inevitably be reduced to the condition of petty labourers. The law in question has also a considerable tendency to lead to a despotism, either direct, or through the more circuitous route of mob rule, and the rise of some military dictator. The great want that has been felt in the British-Indian administration, is that of a respectable body of landed proprietors, as a link between the rulers and the people. Liberty and equality are very desirable, but it is not the equality of poverty which is beneficial to a country : a country can no more thrive, whatever may be said by theorists, about every man with his cottage and his acre of ground, without a due gradation of ranks of society, than a regiment could be kept in order, with only the field officers ; when the mass of the people have little more than a bare subsistence, no hope can be entertained of education or improvement : the whole will be little higher in the scale of rationality than animals.

Such a law as is proposed would be no hardship to the people ; for strange as my readers may think it, the rule of primogeniture was in practice among them, until we “forced them into all incongruous positions to meet inapplicable laws” far more common than the abstract law of equal division. Wherever the title of rajah, or nuwab\* (prince) was attached to an estate, it always descended unbroken to the eldest son. This was often the case with those which had the title of Thakoor (chieftain). The former have been supported by the English, the latter very rarely. Not far from whence I write, a suit is now proceeding. A thakoor died leaving two sons by two wives. The mother of

\* The title of nuwab is rarely attached to an estate, since all the sons of a man of that rank call themselves by that title. In some of the towns in the Upper Provinces there are nuwabs whose sole subsistence is one or two rupees per month : they live by gambling, and getting up street brawls and extorting money. They are the most disreputable people in the place, and a perfect nuisance to the respectable inhabitants.

the younger son has instigated him to demand half the estate. Now, in the first place, it is notorious that from time immemorial the lands have descended undivided to the eldest, as can be proved by thousands of the most respectable witnesses; and in the second, all the other relations, uncles, and cousins, to the twentieth degree, protest against the right of the younger son to claim a share; they say "our ancestors gave up their rights to support the dignity of the chieftain, and as this has continued for several generations, neither by custom nor law can any division now take place\*: but if the lands are to be divided, what right have these two brothers to take half each? Let us go back to the earliest ancestor we can trace, and begin dividing there, continuing the division at every generation, so that every one of us may obtain his share according to the abstract law of the case, if that is to be the rule of practice." This is unanswerable, according to the custom and law of the Hindoos, and to justice. But I have little doubt that the whole will be disregarded, and that according to our fanciful idea of the abstract law of the case, the estate will be divided among the two brothers. This sort of subversion of all their laws and customs, is probably one of the specimens of the blessings which the British-Indian government have conferred on the people of India.

There is another strange anomaly in the succession to property among the natives. By the law, a man cannot bequeath his property of any description, by will, to one son, to the prejudice of the others, and a suit by one son, for a whole estate, (such suits are sometimes, though rarely, preferred) founded on a will, would be dismissed, either in a native or a British court—be the parties Hindoos or Muhammedans. Yet in practice, a man of either class can sell or give the whole of his property, real or personal, ancestral or acquired, to whomsoever he pleases. It may be seized and sold for arrears of revenue due to Government, or by a creditor;—and hundreds of cases could be quoted from both the native and British courts to prove the truth of this, and that these customs have been always upheld. What then be-

\* This is not only Hindu law, but has been supported in some decisions by the Sudder Dewanee; though I cannot at this moment quote the cases.

comes of the law of entail, which is implied in the prohibition to devise property by will to one of several co-heirs to the exclusion of the others? How easy is it for a man to evade the law, by giving his property before his death (taking care to comply with the legal enactments regarding gifts of property) to the son whom he wishes to succeed him: or by means of a convenient friend, he may make up a pretended sale to the latter, who some time after will do the same to the owner's son.

The contradiction which exists between the law and practice is anomalous and absurd to a degree; the litigation, fraud, and roguery to which they give rise, is immense; the gradual and inevitable reduction of all landed proprietors to the situation of paupers;—all these are circumstances which should induce a serious consideration of the propriety of altering the law on this head; more especially when we view the matter in another light. What will, what must, be the result of all this? Where is it to end? If one person can, with ease, cultivate, and comfortably live, and bring up his family, on the produce of twenty acres, what will be the state of his sons and grandsons? The chief revenue of the British-Indian government is derived from a direct tax upon the land; how will this be realized when each cultivator possesses land just sufficient to support existence? contracts, bonds, and laws, for punishment, will be all in vain; each man will sow his crop, cut it, and sell it: to attempt to prevent this will require an army of revenue officers nearly as numerous as the cultivators themselves; and as for realizing balances, all that will be left for Government will be to seize each man's covering of coarse cloth, and his few earthen pots. To sell his land would be useless, it would not fetch above a few pence, and the purchaser would do just the same. This may not happen in our time, and may be retarded or accelerated by accidental circumstances, but the ultimate result is as inevitable as the decay of a tree after it has passed its full growth.

In some countries, the members of a family are found to enter in agreements among themselves, to obviate the evil of such a law; nor is such an occurrence unknown in India. In Jersey and Guernsey, where equal division exists, laws are made

with a view of obviating the evils which are practically experienced\*. Little, however, can be expected from private arrangements, or patchwork laws, which do not strike at the root of the evil; inasmuch as with the majority of people, selfish considerations, and immediate enjoyment, will weigh much more than that of benefit to others. This consideration may allay the fears of those who imagine that a law of primogeniture would create overgrown estates, and raise up too great and too powerful an aristocracy. It will be centuries before such a thing could happen in India, nor could it happen in any country, provided entails were prohibited: land, indeed, has been so subdivided, that every encouragement should be given to consolidate the different portions into large or moderate farms, so as to allow a field for attempting improvements, and to prevent as much as possible its re-division. It is lamentable in India to see the gradual impoverishment of the old families; the ruin of their residencies; and the absence of any middle class, to whom the peasants might look for example, and assistance in times of diffi-

\* In Jersey and Guernsey, the law awards two-thirds to the sons, one-third to the daughters; and the islands are described as covered with pretty little farm-houses, and contented families, on their fifty or sixty acres each. This is very romantic and charming. In half a century we shall see them living in small cottages, working hard to cultivate, each family its ten or fifteen acres, with little or no education. In another half century we shall find them living in hovels, each with its three or four acres, slaving like horses, with scarce food to eat or clothes to cover them, and with about as much knowledge as the cattle that draw their ploughs, to the great delight of the cottage-and-acre visionaries. It may perhaps take five or six generations, if their families are very small, to arrive at this pitch of degradation; but with such customs, it is their inevitable fate. But they have a law, which I believe exists also in France, that if the eldest son can pay the value of the others' shares, he may take the whole; it is however rare that the eldest son has the means of doing

this. The law was expressly made to prevent the too great splitting of estates. There cannot be stronger proof that the thinking part of the people themselves perceive the evil principle of their system of equal division, by their having enacted a law expressly intended to counteract it. If their old custom be really good, why make a law to check it? and if it be bad, why not go to the root of the evil at once? They cannot, unfortunately. The *descensus* is easy enough, but the *revocare gradum* is not quite so easy a matter.

It is not very probable, that a nation in which this custom of equal division of landed property has for sometime existed, will ever relinquish it, unless forced to do so by a power which they have no means of resisting, such as a foreign conqueror or military dictator. The reason is, that the majority of people prefer present ease and comfort to the general benefit of their country: and the younger sons must always be a much more numerous body than the elder ones. But by the law I propose for India, a man may leave his estate to any son he pleases.

culty and trouble; for the principle of division of property has been carried to a much greater pitch under the British-Indian government than under any native power\*.

When we consider the limited extent, the small population, and the great and unparalleled prosperity and power of England, it is obvious that there must have been some principle at work to have produced this; and I believe, if properly analyzed, it would be found attributable more to the law of primogeniture than to any other cause. The effects have been, that younger sons, instead of being contented with moderate temporary comfort, with the prospect of leaving their sons or grandsons in a situation little above day-labourers, have been obliged to go forth into the world, and struggle for their own livelihood; and some of them have founded families more wealthy than that from which they originally sprung. Others being endowed with a moderate life-income, have remained single, devoting themselves to literary pursuits; and the heads of the families have, in succeeding generations, often acquired such influence over their tenantry, that they have been often able to counteract the instigations of the factious and evil-disposed. It is not unfrequently urged in England, that the majority of eldest sons, knowing that they must succeed to the estate, prefer amusement to study in their youth, and, consequently, are very unfit for the high situations in which they are in manhood often placed. There is some truth in this: but when we legislate in India, let us take the good and leave the bad, when we borrow from English law—hitherto we have usually done just the contrary.

Three rules, therefore, are required:—

First. The quantity of land in the actual possession of each owner or cultivator having been ascertained, it should be declared, that, as long as he paid his rent, he should not be disturbed by anything but a decree of a civil court.

\* The only benefit which I allow that the English government has given to the people of India—freedom from foreign invasion—has here proved an injury. Formerly one or two sons would get knocked on the head in some battle, and the estate would descend unbroken to one; so that those who were left lived pretty comfortably. Now there are no battles, they all live, but they are half starved. I have often heard them condemn the present, and praise the old system.



Second. To abolish the absurd anomaly between the law and practice, both of Hindus and Muhammedans, and to enact that every man shall be absolute *bonâ fide* owner of the property, of whatever nature, which he may now possess or hereafter acquire, without reference to the means by which it was acquired—provided, of course, they were legal according to the existing law and practice—and that he may absolutely dispose of it by gift, sale, will, or any other legal mode.

Thirdly. That all real property of any person dying intestate should pass to his eldest son or heir.

*N. B.* Entails should be absolutely prohibited.

I cannot see that this slight infringement of their customs implicated in the last rule, would be any hardship on the people, since every one has it in his power to avoid coming under that law. I would even go further, and, to prevent litigation, would enact, that when a man divided his property to several parties, unless he had so specified and defined the share left to each, that there could be no mistake, the will should be null and void, and the real property should devolve to the eldest. There might also be a minor provision, that on an eldest son succeeding to his father's landed property, by the latter's dying intestate, he should be required to give his brothers and sisters who remained unmarried\* a small annuity in money for their lives; the amount of this to be reckoned in proportion to the rent of the estate. Should a house be left to two or more sharers, to prevent the evil consequences described in No. XLIII. it should be at once sold, and the proceeds paid to the parties. I am informed by several English merchants who have lived among the people, that they have reason to believe that many of the younger sons, particularly among the Hindus, would be pleased with such a law, to prevent the ruin of the old families: and my own inquiries incline me to the same opinion.

The operation of it would be peculiarly beneficial among the

\* This may surprise some of my readers; but in Muhammedan families old maiden ladies are not uncommon; and I have known a Hindu girl who was unmarried at twenty-

six years of age, not because there was anything against her character; she was of low rank, so there could have been, one should suppose, no difficulty in procuring a husband.

Muhammedan families of rank. The system of the British government has been to exclude these from all official employment; by the division of the family property, no one of the descendants has sufficient to keep up the appearance of his ancestors; and the consequence is, that having nothing to look forward to, they too often lose all self-respect, spend their lives in licentiousness and debauchery, and die in debt and in disgrace. The division of property is one great cause of this. All the sons of a nuwab, like French counts, are allowed, at least tacitly, to adopt the title; and each thinks himself too grand a personage to accept any inferior employment; were all but the eldest prohibited from adopting the title, their pride would be lessened, and they would be more willing to accept employments, especially since the very respectable situations of deputy collector, and principal sudder ameen, are now open to them, and might thus become respectable or valuable members of society.

But to conclude. To attempt to rescue the landed tenures from the "indescribable confusion" to which they have been reduced by "settlements made in confessed ignorance," by "revenue manangement conducted without judicial investigation," and by "judicial decision without revenue knowledge;"—to remedy the anomaly and absurdity which exists between the law and practice of both Hindus and Muhammedans;—and to create some private and defined property in land,—are objects of paramount importance. The three suggestions contained in this paper would, if carried into effect, do more to regenerate the Upper Provinces, and to attract skill and capital to that part of the country, than any others that could be devised.

*July 18, 1835.*

*P. S.* The opposers of the law of primogeniture usually couple it in their imaginations with entails, and attribute the evils of the latter to the former. The grand point is, however, to abolish the absurd anomaly between abstract law and practice which exists in India, and to allow every one to dispose of his own property as he pleases. Should a man neglect to make a will, the question whether his property should be disposed of according to primogeniture, or equal division, is of minor importance.

## No. LV.

## ON THE GAOLS IN INDIA.

HAVING more than once alluded to this subject, and to the infamous state in which the gaols in India are, as regards the reformation of the convicts, I propose to give a short account of their construction and interior economy.

The gaols are divided into four, six, or more large wards, each calculated to contain 100 or 150 men : each ward has a yard to it, surrounded by an enclosed wall. There is also a ward for women ; one for the civil prisoners ; and an hospital. The whole is surrounded by a single or sometimes a double wall, and guarded by sentries inside and out. The large wards are appropriated to the working convicts, among whom are men sentenced to labour in irons for every period, from a month or two, to imprisonment for life : when sentenced to any period under five years for certain offences, they do not work in irons. It is obvious, that in gaols so constructed, it is quite impossible that any proper classification of the prisoners can ever be made. All that is attempted is, to appropriate one or more wards to those imprisoned for fourteen years or more, according to their numbers ; one or more to those between seven and fourteen years ; while lads, sentenced only to a few days' confinement for some petty pilfering, are placed in the same ward with others sentenced to every period of imprisonment from one month up to seven years. There all herd together, encouraging one another in their crimes ; discussing robberies ; boasting of their escapes ; and forming one of the finest schools for teaching every species of vice that could be devised. Whatever a man may be when he goes into gaol, it is a miracle if he be not a villain when he comes out of it. Such is the construction of our gaols, and classification of the prisoners. It is clear, that any attempt to introduce a proper system of discipline and of secondary punishments, so as to tend to the reformation of the prisoners, is perfectly out of the question : no such attempt is

made, but all confined for every description of crime, go out, under guards, to work on the roads, in gangs of various strength.

For the government of each gaol there is generally a gaoler, deputy, and jemadar (sergeant), with a small number of guards, in addition to those who stand sentry. It is the duty of these to examine daily the irons of the convicts; to count them as they go out and return from work; to examine the wards and iron bars of the gaol; to superintend the serving out of the allowance, and the purchase of their food by the prisoners: for in India, every man has a money allowance daily, buys his food undressed, and cooks it for himself: sometimes two or more mess together, but this arrangement is according to their own pleasure. I cannot help thinking, that a system of serving out dressed food might easily be introduced with great advantage. There are tribes of Brahmins who are considered of such high caste, that, with one or two exceptions, every caste of Hindus will eat food which they have dressed, nor will Muhammedans object, and the poorer individuals among these Brahmins will readily take service as cooks. The advantages would be, that the convicts would be sure of finding a good meal ready on their return from work, whereas, at present, in rainy weather, they are sometimes obliged to go without, there not being in some gaols any covered place under which they can cook; besides, where every one of 500 requires a piece of ground about five feet square for his cooking-place, what a space is occupied! Much more work, also, would be got of the convicts, for, at present, they are occupied full three hours a day in preparing and eating their meals\*.

The officers of the gaol are paid on the same parsimonious scale with all the rest of the Government native *employés*: the duty is very disagreeable, and, accordingly, they seek to make themselves amends in the usual manner, by corruption and extortions. From every convict who can afford to pay, a certain sum is taken weekly: money is paid by others, to be allowed to be idle instead of working: the friends of others, although they have an order from the magistrate, are rarely allowed to see their relations without paying a *douceur*. Sometimes, a man of good

\* The natives of India squat on the ground to cook their meals.

caste is threatened with being obliged to sleep next to a sweeper, or that their two cooking-places shall be made adjoining each other. These, and many other modes, are resorted to ; and in general the chief business of collection is managed by one or two favourite convicts, who, as well as some of the guards, of course, share in the profits. In former times, where the friends have paid high, and given some sort of security, convicts have even been allowed to go home at night, but, I believe this is rarely ventured in the present day. It is said, that in some gaols, where the number of prisoners has been great, the head gaoler, whose pay was 30*l.* a year, could make about 300*l.* ; besides what was paid to the subordinates ! I believe more money was made by the Bengal gaolers than by those of the Upper Provinces.

The following is their mode of working:—they leave the gaol soon after day-break (that is, before five in the morning in the long, and about six in the short days), and in gangs of various strength, from eight or ten to a couple of hundred ; they have, on the average, a mile or a mile and a half to go to their work, yet, from the dawdling way in which they proceed, they rarely reach their ground under an hour and a half, or longer. The only tools they have are mattocks and small baskets, which, when filled with earth, are carried on the head : the only mode of repairing the roads with which they or their guards are acquainted, is to scrape them a little where they have been cut into ruts, and to fill up any hole they can find with loose earth : where none is to be procured nearer, they often bring the earth from a distance of half a mile. I have known this plan pursued at different stations for thirty years together, although abundance of excellent material for metalling the roads was to be found in every direction. At mid-day, they are allowed an hour nominally to cook their first meal ; but this they never do, as it would be too much trouble to bring with them their respective cooking-pots, fire-wood, and other materials, and it would take up too much time to go to the gaol ; so they sit down comfortably under trees, some eating the remnant of yesterday's dinner, others parched grain, and others smoking, till about two or half-past, when they return to the gaol for the day.

It may naturally be asked, why all this waste of labour, even when they do work ? and why is all this idleness allowed ?—There is no one to overlook their conduct, or direct their labour. The magistrate, under whose charge they are, has no time for this ; besides, in the whole civil service there are not perhaps, five individuals who have the least notion how a road should be made. Again, the convicts were often out in the districts, in gangs of from fifty to two hundred, from ten to forty miles distant from the station, supplied with tents or sheds in which they slept at night. But it might be said that carts and wheelbarrows would be better than the waste of labour caused by carrying the earth upon the head. Certainly ; but carts and cattle cost money, both in the prime cost and to keep afterwards in repair, and Government have a great aversion to expenditure ; besides the chances are, that, instead of performing the public work, the carts, or many of them, would have been employed in the private service of the magistrate and his friends. Wheelbarrows have sometimes been allowed and made ; but, should this ever fall under the eye of an English reader, he will be surprised to learn, that there are few stations in India where a man could be found, capable of showing a native carpenter, who never saw one, how to construct a wheelbarrow. I recollect an instance not long ago, where, on some being required, a letter was addressed to an individual 300 miles distant, requesting him to make one for a pattern and send it to the place required. These working convicts may be constantly found, together with all their guards except two or three, who keep watch, either sitting smoking, or fast asleep, nearly the whole time they are out. Sometimes an exception appeared, that is, perhaps, once in four or five years in all the Bengal Presidency, of a magistrate who understood road-making ; and who took some pains about it, and contrived to make the convicts work ; but the general mode of employing them in “hard labour” according to their sentence, was as above described, as long as they remained under charge of the magistrate. For want of being properly superintended, the guards are so extremely negligent, that it is perfectly astonishing that escapes are not daily made by the convicts.

Within the last three years, a different plan has been adopted.

Superintendents and deputy-superintendents have been appointed, for the purpose of making a grand-trunk-road through the heart of the country. The greater part of the convicts of the different gaols have been taken from under charge of the magistrates, and transferred to those officers. It is true, that these superintendents are chiefly military men, selected entirely by interest; but they have also some engineers among them who instruct the others; and the latter, having nothing else to do, gradually acquire some knowledge of the business. This new plan is infinitely better than allowing the convicts to be under the direction of the magistrates, both as to their labour and discipline. In the course of three or four years more, there will be a very good road from Benares to Delhi. But in every gaol, there are still from one to two or three hundred working prisoners, who are left under the charge of the magistrate. And having above described the extortion which used to be, and still is in some gaols, practised upon the prisoners by the gaol-officers, I must now turn the tables, and give an account of the outrages now in several districts perpetrated by the convicts. After reading the above account, people will be apt to think that these criminals and other prisoners are poor, miserable, half-starved wretches: strange to say, it is quite the contrary: the working prisoners of the Indian gaols, at least in the Upper Provinces, who have been confined for any length of time, are far stouter and more healthy than the peasantry. It would be worth while to try the following experiment. Select, by chance, 100 convicts, only provided that no man should have been less than one year in gaol—as much longer as you please.—Then send to their respective villages, for each man's brother or cousin, whose age came nearest to his own. Range the 100 convicts on one side, and the villagers on the other, and I am convinced, that as a whole, the former will be much stouter, stronger, and more healthy men than the latter; and there is not a magistrate in the country, or one who has been a magistrate, who will not agree in this opinion. A pretty sure proof that the convicts must be well fed, and have an easy life: indeed, it is to secure the latter, that they pay the gaoler and the guards so much in the way of douceurs. A poor convict, who contents himself with coarse food,

will not unfrequently save money out of his gaol-allowance, and remit it to his family\*.

But, for the last year or two, the magistrates of some districts, having, perhaps, heard of the abuses above detailed, have now run wild on the other side. They seem to think that they cannot too much curtail the authority and diminish the power of the police, and of all the native subordinates, in whatever department ; this is one considerable cause that the police is gradually falling into a state of disorganization. The gaol officers also come under the ban ; and in those districts where the magistrate has adopted this mode of thinking and acting, the convicts completely rule the gaol, and do as they please. They still submit to be shut up at nights, though probably they will oppose this, ere long. As to work, they do none ; but, when out in parties, amuse themselves with robbing gardens, and breaking off the branches of trees, for fire-wood. They also extort money from the owners of lands, by threatening to cut down a fine tree here and there, or to cut through part of a garden, which they pretend falls within the line of the road, and to do which they declare they have the orders of the magistrate. As for the owner of the tree complaining, he finds it much better to pay the sum demanded,

\* In a work lately published by Dr. Hutchinson, he estimates the deaths in the gaols in the Upper Provinces at a little more than three per cent., and in Bengal Proper at nine per cent., per annum. This is considered very high, compared with the deaths among the native soldiery : but the comparison is by no means a fair or proper one. The sepoys are well fed, clothed, and lodged, and, notwithstanding all that is said of their being overburdened with duty, they do not work half so hard as the peasantry or labourers. They have little or nothing to harass their minds, and, what is more, when a man's constitution is breaking, or if he be afflicted with a disease which is slowly causing his death, he either takes his discharge and goes home, or is sent to the invalids. On the other hand, there are many among the convicts confined for life, whose

deaths must occur, sooner or later, in the gaols. The proper comparison would be between the convicts and the general grown-up male population, if we had the means of making it ; and it is probable, that the deaths among the latter would exceed those among the convicts. My reason for thinking the proportion of deaths great among the people at large, is the comparatively slow rate of increase of the population, in a country where marriage is almost universal as soon as a man comes of age, and where the facilities for rearing children are so great. In treating of the gaols of Bengal Proper, that at Alipoor cannot be taken as affording any criterion of the rate of mortality, because it contains an immense number of convicts from the Western Provinces, who are confined for life, and to whom the climate of Bengal is uncongenial.



than to travel, perhaps, thirty miles, to be kept in attendance a month at the magistrate's court, and most probably to get no justice afterwards. The shopkeepers, who used to supply them with flour, and other articles of food, are, in some gaols, now so ill-treated and ill-paid, that not one of them will voluntarily attend. This is remedied by an order to the police, to force them to do so in rotation.

After having amused themselves in the above-mentioned manner, the convicts sleep or smoke until it is time to return to the gaol. I have repeatedly seen them thus employed, and have asked the guards why they did not prevent such abuses, and make the prisoners work. The reply usually is, "We dare not say a word to them; if we did, a complaint would immediately be preferred to the magistrate by one or two, sworn to by half a dozen others, that we had extorted money from them; and without, in reality, listening to our defence, as a matter of course, we should be discharged from our situations." Nor is this fear without foundation: several of the officers and guards have been, in this way, lately deprived of their situations in different districts.

Such is now the state of many of the gaols in India. Not the slightest attempt to instruct or reform the prisoners, or even to preserve those who are confined for a short time, for a first offence of a petty nature, from contamination, by mixing with hardened offenders, has ever been really made. This would not have brought any increase to the Government revenue, but, on the contrary, have required an extra expenditure: as for the progressive demoralization of the people, no one cared. "It will last my time," seems to have been the principle of each. Government are now collecting paragraphs for the Court of Directors. The court have written to the Bengal government, admitting many of the evils above alluded to, and calling on them immediately to take into consideration the practicability of introducing secondary punishments, and of effecting a reform in the system of gaol discipline. This has been forwarded to the superior court, to the commissioners, and other local authorities, who are desired to submit their opinions. Now, in the first place, this

calling on the local authorities is an absurdity; it will produce a mass of writing, sufficient to bind up into several folio volumes, containing some sensible observations, and much crude matter, none of which will be read. Besides, why call upon people, few, perhaps, of whom have ever thought on the subject; when, if Government are really in earnest, there is the system of the American, and some English gaols, ready prepared, from which to copy. But it is much to be doubted whether Government have the slightest intention to introduce any improvement in the gaols; nor shall I ever give the least credit to its professions, until two measures, alluded to in No. XXIX., are adopted. The chief end of all this paper-work is to enable the Court of Directors, when attacked on the subject, to exhibit their order, and the mass of papers which it has produced, all well filled with fine professions of the anxiety of all concerned, from the court down to the local functionary in India, to effect a reformation of the prisoners in the gaols; while the probability is, that nothing whatever, really calculated to effect the object, will be attempted. The above is a true description of the Indian gaols, past and present.

*July 24th, 1835.*

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## No. LVI.

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### ON THE POLICE.

I SHALL first endeavour to give a concise account of the police of India, as established by law; and then to describe its practical working, and the abuses and extortions which its officers are enabled to commit.

Regulation XX. of 1817, is the standard police-law; it abolishes nearly all previous enactments relating to the police, and enacts one uniform system; and only a very few of its provisions have been altered or rescinded by any subsequent Regulation. The summary is as follows:—

Each district is parcelled into several subdivisions. The number of judicial districts is forty-nine; of collectorships,

including deputies with independent jurisdictions, sixty-two; but as some of the deputies, who are independent in revenue concerns, are not vested with police powers, the number of districts under charge of magistrates is about fifty-five. This gives to each district an area of four thousand square miles; within this compass, there are, perhaps, taking one district with another, sixteen principal police-stations, called *thannahs*. The jurisdiction of each of these will, therefore, on the average, extend over two hundred and fifty square miles; or a tract of land nearly sixteen miles square, containing two hundred and fifty-three towns and villages, and a population of rather more than fifty-six thousand.

The constitution of a police-station is usually as follows:—One darogah, or thanadar, whose office nearly assimilates with that of the inspector in the police now established in London, one writer, one jemadar, or sergeant, with, perhaps, twelve burkundazes, or armed constables. Some have more, some less; but the above is about the average. Some stations have out-posts one, two, or more, attached to them, consisting of a sergeant and three or four constables, or of two or three of the latter alone. Along the high roads, where robberies are apprehended, these guard-houses, or chokies, are posted every two miles, to patrol the roads. In most districts in the Upper Provinces, a proportion of horsemen are entertained, varying in numbers from fifteen to fifty; these are stationed at different points, to patrol the roads and prevent highway robberies.

The police-officers are supplied with such Regulations of Government as relate to their department, and with books for diaries, in which are to be entered apprehension of offenders, information of robberies, thefts, and other crimes, all orders received from the magistrate, and, in short, everything connected with the business of police.

They are also to keep a list of all the villages within their jurisdiction, and of all the village watchmen; a monthly report of all offences (being, in fact, a copy of the diary,) is to be sent to the magistrate. Under this head are detailed rules for the transmission of these documents, the summary of which are, that where

the police-stations are on the line of the Government post, they are to make use of that conveyance. In other cases, the landholders are to be obliged to establish a post, at their own expense, to convey the police reports, under penalty of fine or imprisonment. (*Vide* Regulation, 1817, sect. ix., cl. 4 and 5.) Besides this, the occurrence of every crime of magnitude, or which the police are authorized to investigate, is specially reported to the magistrate, whether the perpetrators be apprehended or not.

The crimes of which the police are authorized, of their own accord, to take notice are, murder, gang-robbery, highway-robbery, theft, and burglary, only if attended with wounding, or any aggravated circumstances, coining, homicide, maiming, wounding, actual affray, or other minor offences, not excepted in this Regulation. Formerly, the police might make inquiries into all simple thefts and burglaries; but by Regulation II. of 1832, this was prohibited, unless the injured person gave a petition to that effect; or unless an order to prosecute the investigation be received from the magistrate.

On receipt of information of any one of the above crimes, the police-inspector, (darogah, or thanadar) is expected to proceed to the spot, with his writer and several constables, to make every investigation possible, including a map of the spot, and any particulars which may elucidate the case. The prosecutor, or informer, is to be examined on oath, or solemn declaration. If the culprits can be apprehended at once, they, together with the prosecutor, witnesses, and the report of the case, are all sent in to the magistrate; if the offenders be unknown, or not to be found, an account of what has occurred is, nevertheless, forwarded to that officer. But, previous to sending the parties to the magistrate, it is always the custom to take the evidence of prosecutor and witnesses, and the depositions of the prisoners at the police-office. Should these confess the crime, or make any partial admissions, the attestation of the police-officers to these is not considered sufficient: it is, therefore, provided that, in such cases, three or more respectable people of the village shall be present, and affix their signature in attestation, that the confession, which is to be written in the language of the prisoner, was free and

voluntary ; under this head are some additional minor provisions, regarding taking confessions at night, the safe custody of prisoners, the use of stocks, when allowed, and when not, and a variety of others, which it is needless to enumerate here. |

The police-inspector is expected to hold an inquest on all occasions of murder, homicide, wounding, and unnatural deaths. Here, also, follow many provisions regarding the inquiry to be made from the person himself, if only wounded ; from the landholders, farmers, and neighbours ; the wounds are to be accurately described, and, finally, a report is to be drawn up, distinguishing the verdict of murder, manslaughter, suicide, or accidental death, which report is to be transmitted to the magistrate. When the investigation is completed, the body may be given up to the friends of the deceased ; or, if he be a stranger, it is to be burnt or buried, according to the usages of the religious persuasion of the deceased. It need not be sent in to the magistrate, except where the injury may appear of doubtful nature, or in cases of poison, in which case it must be examined by the surgeon. Such is the law, and it is a rational provision ; but, in practice, orders have for some years been issued to send in to the magistrate for inspection the bodies of all who have apparently died by unnatural means, and the want of arrangement for carrying this into effect, produces the scenes described in No. XXV. of this series of papers.

The police-officers are at liberty to search any house in which they have reason to believe stolen property is deposited ; the zenana, or women's apartments, are not even exempt ; notice merely is given, that the women may be removed. This is followed by minor rules, respecting the conduct of the search, the mode of transmitting any property which may be found to the magistrate, the investigations to be held, in the event of the owner of the house asserting that he procured it by purchase, or other fair means.

They are also expected to be present at fairs, or other large assemblies of the people, in order to preserve the peace ; and should they hear of any assemblage of people on a boundary between two villages, which may chance to lead to an affray,

regarding the right to the land, they are immediately to proceed to the spot, and either prevent any breach of the peace, or apprehend those concerned, should any affray have been actually begun.

All bad characters, vagrants, and those who have no visible means of livelihood, are to be apprehended and forwarded to the magistrate. All insane persons, from whose insanity there may be reason to apprehend any fatal or serious consequences, are to be sent to the magistrate, unless the friends of such persons will enter into engagements, to adopt such precautions as shall prevent their doing mischief.

The village watchmen, although appointed by the head-men of the village, are also placed under the superintendence of the police; they are ordered to report all occurrences within the cognizance of the police, either daily, twice a week, once a week, or once a fortnight, according to the distance of their respective residences from the police-office. They may apprehend persons committing serious crimes, if taken in the act, or proclaimed offenders; they are also to keep watch at night, which duty, where any police are stationed, is to be performed conjointly with the latter.

The police may assist in distraining for arrears of rent.

They are also to prevent any encroachments on the public roads.

Such are the outlines of the duties of the police established in India; there are a variety of inferior provisions under every head, and some few heads, regarding resistance of process, summons, use of handcuffs, punishment of the police for misconduct, and various others, to which I have not alluded; the principal points, however, are all enumerated above. Of course, where the parties, whether prosecutors, criminals, or witnesses, are connected with the commercial, salt, and opium department, much more consideration is to be shown than towards other classes; these are not to be summoned and apprehended like common people, for fear the Government produce should suffer. (*Vide* Sect. xxix. of the same Regulation.)

The crimes which are not cognizable by the native police-officers are, charges of adultery, fornication, calumny, abusive

language, slight trespass, or inconsiderable assault : parties making such complaints shall be referred to the magistrate. The first observation which strikes one, on examining the system of police in India, is, that it is precisely on the same plan as that established in London by Sir Robert Peel, in 1829. Yet, while that has proved a most admirable measure, which meets the approbation of all who have property to lose, our police in India has been productive on the whole of far more evil than benefit to the people. The reason is simply this, that, in England the police-officers are well paid, and there is a sufficiency of magistrates to keep a strict surveillance over the police, while, in India, the oft-repeated tale must hereagain be related ; the inadequate number of magistrates, and the immense size of the districts, which renders any proper surveillance perfectly out of the question, while the small payment of the police-officers, insufficient to cover the expenses of the situations, prevents any respectable persons from accepting them ; and those who do so, as a matter of course, intend to make the most of their appointment. The circumstance of every man in the London police having his letter and number marked on the collar of his coat, is an admirable check to misconduct ; the individual policeman can be immediately pointed out ; and it would be highly desirable to introduce something similar to this into India.

But let us analyze the Regulation for the police, and compare the law with the actual practice. In the first place, the darogah (or inspector) is expected to proceed in person, if possible, to investigate all minor crimes ; to hold inquests upon bodies ; to attend fairs and markets to preserve the peace ; and perform some other duties : all this sounds well ; but let any one look at the average size of each jurisdiction,—nearly sixteen miles square,—and judge whether it be possible for him to do this. But few of the divisions are compact. Some of them straggle for more than twenty miles, while the police-station is at one end ; others are divided by a river, to cross which, in the rainy season, occupies three or four hours by a ferry. The inspector is, accordingly, allowed to depute the writer, or the jemadar (sergeant), and not unfrequently the inquiry, although contrary to law, is conducted by a common

constable; but, unfortunately, with all this assistance, the investigation is sometimes delayed so long after the crime has been committed, that the clue is lost, which, if at once followed up, might have led to the immediate detection of the offenders. The great size of the police divisions is, evidently, well known to Government, as is shown by the clause allowing the watchmen of distant villages to communicate only once a fortnight with the police-station (*vide* sect. 21 of the same Regulation). And be it remembered, that this Regulation (XX. of 1817,) is not a *coup d'essai*, but the result of twenty-three years experience; that it rescinds a host of former laws, and that, besides containing many new, it is a consolidation of almost all the old enactments relating to the police which were considered good.

The provisions regarding the village watchmen are all theoretically good; but what is the true state of the case? That a real watchman scarcely exists in the Upper Provinces. Under the native governments, the village watchman, and some other public village servants, had each a small portion of land, rent free, as a payment for their duties; under our system of extortion this has, in most instances, been taken from them; not directly by the Government-officers, but the head farmer of the village has been forced to do so, and cultivate the land for himself, to enable him to pay the exorbitant demand. Complaints were often made by the poor watchmen, and, under the old system, the magistrate would occasionally (he had not time to attend to more than a few,) send an order to the local police-officer, to restore the watchman his land; this, however, usually proved a dead letter; and as to the collector-magistrates, they think it much better that Government should obtain a little extra revenue, and let the police shift for itself. The consequences, as might be expected, are, that, as they receive no pay, the watchmen have endeavoured to throw up the employment, while the police still attempt to force it on them; and these men are still expected to keep watch all night, and report occurrences to the police during the day, and that, too, in villages in which there never were more than one; and until flogging was abolished two years ago, a poor wretch, forcibly dubbed a village watchman, without getting any pay, was often



flogged, because a theft was committed in the village in which he resided, as a matter of course, by some magistrates, without any inquiry whether he had been negligent or not.

One circumstance is extremely striking; viz., the extraordinary powers with which they are vested in some points, and the restrictions which are imposed on them in others. A police-officer may investigate crimes of the highest magnitude, administering an oath to the prosecutor or informer; he may apprehend people of the highest respectability, on the mere word of an informer; may send the parties to the magistrate, or, in some cases, release them on bail; may forcibly enter and search houses, (the zenana [women's apartments] included,) for stolen property; yet the officer who possesses such powers as these, is not allowed to give a final order in any case. Should a trespass of cattle occur, of which the damage done is of the value of a few pence; should the pony or bullock of a traveller wander from its pickets and be sent to the pound; should any petty aggression be committed by a traveller: in these, and many other cases, there is no local authority empowered to settle the dispute. The damage done by the cattle, the claim to the pony, the complaint against the traveller, must all be investigated at the magistrate's office, although this may be 50 or 100 miles distant. To such a height is this carried, that a drunken man may reel about the streets, annoying every one he meets; a set of scoundrels may go about abusing and hustling respectable people, in order to extort money by threatening to provoke a quarrel, and then lay a complaint; or singing indecent songs within hearing of the females of the family, which is purposely done to extort money; and yet the police are not allowed to interfere! Nay, to such a length does this extend, that not long ago a plaintiff, proceeding under protection of an officer of the civil court to arrest his debtor, was resisted, and ran and took shelter in a police station-house, whither he was followed by the debtor's friends, and well beaten with shoes; the police-officers standing by all the time, exclaiming they dared not interfere, this being only a slight assault\*.

\* While the police are not allowed to give any assistance in the execution of a decree in favour of an individual, they are enjoined to aid the enforcement of any Government demand for rent.

In towns, many an affray which begins in a slight quarrel, but ultimately ends in murder, or serious wounding, might be checked in the outset ; but no ! abuse and slight assaults are not within the cognizance of the police ; it is not until swords are drawn, or serious club-blows inflicted, that the police may interfere,—that is, when the mischief is done. The want of a local authority is severely felt in many other points. Some of the most serious affrays arise out of the trespass of cattle ; the people cannot afford to waste a month in travelling and waiting at the magistrate's office, or to spend ten or twelve rupees in petitions, summonses to witnesses, and other legal expenses, when the original loss they have suffered sometimes scarcely amounts to above a penny, seldom above a few pence ; they, consequently, take the law into their own hands, of which the first step is, that the owner of the land, or corn, into which the cattle have trespassed attempts to drive them off to his village, with a view of exacting a small fine from the owner before releasing them ; and, should he be perceived by the other party, an affray, accompanied by loss of life, or severe injury, is the consequence. Had the people some local authority to appeal to, who could immediately investigate the case, oblige the owner to pay the damage which had been done, and inflict a small fine on the offender for his carelessness, they would soon learn to refer to such constituted authority, instead of seeking redress themselves. So, in preventing oppressions by travellers ; in obviating the annoyances inflicted on farmers and dealers by self-constituted gangs of weighmen, watchmen, and heads of markets, whose sole livelihood is derived from illegal fees and exactions levied from those classes ; and in a variety of minor cases,—some local authority would be one of the greatest boons to the people : and, I am convinced, that were these powers intrusted to the present race of police-officers, the evils which the people would suffer would be infinitely less than those they are now obliged to bear : for, as to telling them they have their remedy by complaining to the magistrate, it is mere mockery.

The above evils are caused solely by the restrictions imposed by the law. Those produced by the absurd rule of guidance by

which the magistrates of several districts are now influenced will next be considered, namely, that of gradually stripping the police of all power, in order to prevent their abusing it. They seem to have adopted a notion that the police will take every opportunity of turning their authority to their own advantage: now, granted that this be the case, the best mode of putting a stop to this would be, that either the collector-magistrate, his deputy, or head assistant, should make a tour of the district, and inspect and inquire into the conduct of the police; if this were done two or three times a year, it would form a very good check to improper conduct. But these officers are too much occupied with the revenue concerns, and their object is, to arrange the police affairs so that these may occupy as little time, and occasion as little trouble, as possible; and they think one mode of effecting this will be, by restricting the power of the police. The police are accordingly ordered not to send in any cases in which the prisoners are apprehended, unless the proof against them be so strong as not to admit of doubt; so that numerous felons escape, whose guilt would have been proved by additional inquiry before the magistrate. Directions are issued that bad characters and vagabonds shall not be interfered with; the police are prohibited from preventing encroachments on the public roads, so that the streets in the various towns are gradually becoming blocked up: I could point out several, through which, a few years ago, a cart could pass, in which nothing is now left but a footpath, from the encroachments of the owners of the houses on each side. These, and some other restrictions, considerably lessen the magistrates' business.

As so much has been lately said about the extortions of the police, a few words on the subject will not be out of place here. I shall first premise that no police-officer above a constable can live on his pay. With such an extent of country, two horses for the darogah, one for the writer, and one for the jemadar, are necessary to enable them to perform their duty,—the expenses of these animals alone will exceed their respective salaries; consequently, when they obtain their situations, they consider it as an

understood matter that they are to have some perquisites in addition; and I shall next show that considerable sums may be realized by the police with scarcely a chance of detection.

A murder or other crime is committed: the police-officer proceeds to the village, summons the head-man, and, indeed, half the inhabitants, to whom he hints that it will be necessary for them all to proceed to the magistrate's abode. This produces a bribe from each, to avoid such a calamity;—for such it is considered, to have anything to do with a prosecution. In an affray between some of the inhabitants of two large villages, there is a fine field for perquisites to the police.

Should a traveller who is proceeding in an opposite direction from that in which the magistrate's office is situated be robbed of some petty article, and the thief be secured, money is exacted from him to allow him to proceed on his way, without the loss of a month's detention, by being sent to the magistrate, that the case may be heard; the thief, on the other hand, willingly pays a good sum to be released. Should the traveller's pony stray, and be observed by the police, it is immediately brought to the station-house: the poor man appears and begs its release, offering to prove by the other travellers in the inn (*serai*) that it is his. He is told that it must be sent to the magistrate, as unclaimed property, and he must then prove his right. Of course it ends in a fee being paid, and the pony restored.

Numbers of people who have even been robbed, will rather put up with their loss than proceed to the magistrate's office: and they will willingly pay considerable sums to the police to hush up the affair, and say nothing about it; while, to screen the latter, and shelter them from blame, should it be discovered, they readily sign papers, declaring that they have not been robbed. So different are the opinions of the people from those which we entertain, respecting the courts which we choose to pronounce a blessing to the inhabitants, and so superior to the corrupt tribunals of the old native rule! The British government may, in the abstract, be better than those of the native chiefs; the only misfortune is, that, neither in abstract or practice, have we

ever been able to persuade our native subjects to be of the same opinion: and they would not be slow to acknowledge it, if they really found it so\*.

The requisition of carriage for the march of troops is a fertile field for the police; all the pack-horses, bullocks, and carts that they can find, are seized and brought to the station-house; and, after taking a fee to release the greater part, the number required are sent to the magistrate. This is entered upon in detail in No. XXV.

On the first appointment of a police-officer to his station, it is the custom of all the heads of the villages to present a small offering. This is also done at certain festivals during the year. Both these are old native customs.

Such cases as these enumerated above, and there are others which might be enumerated, afford very considerable sums to the police-officers, with scarcely a chance of detection. Why do not the people complain, it will be asked? Why should they? In all the instances, except the first, they only pay the darogah to induce him not to do his duty; the people prefer giving a *douceur*, solely in order to avoid having anything to do with a magistrate's court, and to prevent drawing upon themselves the evils of a prosecution. What folly would it be to do this, and then complain of the police-officer! If they go to the magistrate at all, they had better have attended at once on their own business: it is to avoid this very evil that they willingly pay. Besides, in the first-mentioned instance, the people know not what the powers of the police are, and very often the latter are armed with an order from the magistrate which allows of great latitude. Some young magistrates, who are not very well ac-

\* With respect to the natives being unable even to perceive the numerous blessings which we are pleased to assert have been bestowed on them by the British government, which, of course, they therefore could not acknowledge, I have frequently heard civil and military officers account for it, by the horrible ingratitude of the natives, and assert that they were such abominable wretches, that, although

they plainly felt the benefit of our rule, they would not acknowledge it!! Strange ignorance of the native character; and so difficult is it to mortify our vanity by owning ourselves in the wrong! When the natives do meet with a functionary who, by labouring day and night, contrives to give justice to applicants, his praises are blazed forth for a hundred miles round.

quainted with their duty, on receiving reports of crimes in which the perpetrators have not been discovered, as a matter of course, in each case, issue orders to the following purport: "To make every search, and if unsuccessful at the end of a week, fortnight, &c., to send the head-man of the village and watchman to court." Some call for these people at once; some only for the watchman; some for the head-man of half-a-dozen villages round: sometimes are added the words, "and any others *wakif-kars*," which may, in such a context, be translated, "any others whom you (the police-officer) choose to suppose may know anything about the matter." With orders of such latitude, a man may summon half a village. The result was that, after waiting about the magistrate's office from one to three weeks, they were called up, and, as a matter of course, without the slightest inquiry, the head-men were fined, and the watchmen flogged, because one of the villagers had been robbed! the chances being a thousand to one that the thieves were from another village, for they seldom rob in their own. In towns, of course, it is different.

The question which naturally arises is, what is the best mode of improving the police, and preventing the abuses which now exist? The remedy is not very difficult.—Better pay, which will gradually introduce into the establishment a more respectable class of men, and proper surveillance on the part of the magistrates. Many still argue that no amount of salaries will make the natives honest: the same reasoning might, with equal justice, if judgment had been formed from past experience, have been employed when Lord Cornwallis raised the salaries of the civilians. Again I repeat, only try the same experiment with the natives, that has been found to succeed with the civil service. If a feeling of morality does not induce them to become honest, self-interest will do so. But it would not, probably, be necessary to give any very extravagant salaries. I have made many inquiries into the usual expenditure of police darogahs, and do not think that, on the average, they respectively spend above a hundred rupees a month. Yet not one in a hundred of them ever accumulates any money; on the contrary, many of them are more or less in debt. The salary of a darogah should not be less

than a hundred rupees; of a writer, thirty-five or forty; of a jemadar, twenty, at least: this scale of emolument would procure a respectable class of people, who might be allowed to exercise the powers above alluded to in this paper, and even to decide cases of petty theft. On the subject of the debts of the police-officers, a remark is required. They almost all owe considerable sums to the principal shopkeepers in the town or village in which they may be stationed; sometimes, but not often, they borrow from some of the landholders. The policy of this is to secure the interest of these influential people in dissuading any person from lodging a complaint; because these must perceive that if the police-officer, who possesses no property, be discharged, they have no chance of ever being paid. Government ought to allow the magistrates to protect these shopkeepers, for they lend the money, or give the goods on credit, not willingly, but because they dare not refuse: if they did, they would, ere long, be forwarded to the magistrate, under strong suspicion of being regular receivers of stolen goods; or, in some way or other, would soon feel the ill-will of the police-officers. The magistrate ought to be vested with authority to settle these cases without delay, and imprison the police-officers, with or without labour. This would soon check the above abuse. I have known shopkeepers quit a town from the losses they sustained by the debts of the police. Some magistrates have occasionally passed summary orders, in these cases, for the protection of the shopkeepers; but the superior court (Sudder Nizamut), disapproved of it, and ordered that the shopkeepers should sue in the regular way, which was tantamount to a denial of justice. But with that court, a legal technicality would seem to be of more consequence than justice; and to sue in the regular way would produce a little revenue to Government in the shape of fees and stamp-paper.

Another point to be considered, in improving the state of the police, is the bestowing rewards for good behaviour. Those belonging to it are expected to work hard, and often risk their lives for a mere pittance. I have often known the most gallant conduct displayed by police-constables, and the greatest

intelligence shown by the superior police-officers, in tracing out a gang of thieves, or recovering stolen property, all which was passed over as a matter of course, without notice, although, in the latter case, the darogah has often expended a considerable sum out of his own pocket to spies who had given him the information. Is it extraordinary that when, on the one hand, they experience such treatment, and, on the other, they are offered a handsome present or bribe, that they should too often forget their duty, and allow the criminals to escape; or that when weapons are drawn they should be rather slack? Consider the motives which actuate the felon and the constable when it comes to a push: the former, perhaps, looks forward, if taken, to death, or transportation for life, or at the least to some severe punishment. It is worth risking his life in the attempt to cut his way through and escape; the latter has the mortifying reflection, that if successful, his conduct will, most probably pass unnoticed: and that if killed, his family is left destitute\*. "Sense of duty," &c., &c., are all very fine words, but the feelings of human nature will have their sway: if good service be wanted, the proper price must be paid for it: for it will not be obtained without. Our Indian police have been very generally accused of cowardice; but quite without reason: pay them well, and they will work well: wherever a magistrate has taken a proper view of this point, and has been supported by the superintendent of police or commissioner, in granting liberal rewards for good conduct, in that district instances may be found of great bravery and intelligence. If Government would be a little more liberal in this way, and if, in the event of a police-officer being killed in the performance of his duty, a pension were secured to his wife and children, an improvement would soon be perceived in the police affairs, and it would be seen that the men are no cowards. What are twenty or even fifty rupees to Government, given occasionally? Yet these are large sums, sufficient to induce exertion, to men whose pay is but four rupees a month. A very different view is, however, generally taken of the subject. Many of the

\* In Upper India, it being the custom of the population usually to carry arms, the police of course do so.



commissioners, especially the inefficient ones, fancy the way to keep in the good graces of Government is to be economical; they therefore spend half their time in squabbling with those under their authority, about some petty charge of stationery, or a charge of a few pice paid to some poor wretch sent in as a witness by the police from fifty miles' distance, who had begged his way to the court, not having any means of supporting himself, or some such matter; and as to rewards, some of them will scarcely grant anything; in which, however, they only follow the example of their superiors, as the following anecdote will show. The commissioner recommended to the superior court the nazir whose gallant conduct I related in a former letter, that a handsome mark of the approbation of Government should be bestowed upon him: whether the superior court did not forward the recommendation, or whether Government would not grant anything, I do not know; to the disgrace, however, of one or the other of these authorities, the nazir has never received any official reward or mark of approbation to this day.

Another mode of reward which is much wanted, is a higher grade of promotion, to which the common constables might look forward. Very few of these men can aspire to the situation of jemadar, though instances have been known of their rising even to that of darogah; but such are very rare; and in each police-office should be the grade of duffadar (corporal), one or more, according to the size of the station, which should be devoted exclusively to the reward of the police-privates for good behaviour.

Finally, if we want an efficient police, it must no longer be left to the revenue-officers, to be attended to by fits and starts, but must, in each district, be placed under the superintendence of a magistrate, who should devote his whole time to it; and who, being relieved by his assistant from the detail of the office at head-quarters, should be enabled constantly to be making the tour of his district. This is particularly requisite, when we consider the difference between England and India. There a man has seldom above two or three miles to go to a justice of peace;

often his residence is close at hand. In India, the average would be about twenty-five miles to the station of the magistrate. If the latter held free communication with the people, few of the above-mentioned peccadilloes of the police would escape his notice when he was on the spot; and when such a check was imposed, then the authority of the local police-officers might be increased; and the landholders might be intrusted with certain powers, to the great benefit of the people; at least it is to be hoped that a public functionary who, in some matters, is vested with greater powers than an English justice of the peace, may be allowed the discretion of confining a drunken man who may be pelting mud upon every one that passes by, until he become sober.

I beg to assure those assistants who aspire to be magistrates, that, provided they have only a little common sense, and will make up their minds to submit to many petty annoyances in being constantly interrupted by people, many of whom have little or nothing of consequence to say, free communication with the people will make them able and efficient public officers. At the same time, let them be cautious in the use of spies. A professed spy should never be allowed to come near them, unless for some specific purpose. Were a man to say, "If you will give me a reward, I can point out such and such stolen property, or some notorious thief who had hitherto escaped," &c. however great a villain he might be, there would be no objection to making use of him for that particular service; that done, let him receive his reward, and be sent about his business. If it be once supposed that one of these professed spies is an attendant on the magistrate, there will be no end to his extortions all over the district; nor are they of any use to a man who holds free intercourse with the people of all classes; everything that is going on, good or bad, may be learned by this means.

Of course, the young men must make themselves well acquainted with the rules and Regulations regarding the police duties, and let them be particularly careful in attending to all the forms and orders in the committal of cases for trial at the sessions, and in the transmission of periodical forms; these being points

on which the superior authorities are very particular; although they are of infinitely less consequence than many other portions of police duty.

The summary of the above observations is as follows: the police established by the British-Indian government is, in its outline, precisely similar to that of London; the former is considered by the people as an intolerable evil, the latter is universally allowed to be a most admirable establishment, highly conducive to the public good. The requisites for the improvement of our Indian police are, first, respectable salaries for those employed; second, rewards and promotion for good conduct; third, additional powers in certain petty cases, thus destroying the anomaly which at present exists in the extent of their authority; fourthly, some authority to be intrusted to the upper class of landholders, who would then be induced to give that assistance which they now withhold; and lastly, that there should be the strictest surveillance on the part of the magistrate, over every one connected with the establishment. The revival of the office of superintendent of police to ensure one uniform mode of arrangement, I have already touched upon in No. XLV. It is, therefore, superfluous again to allude to it.

*August 1st, 1835.*

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## NO. LVII.

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### PROPRIETY OF INTERFERING WITH SOME OF THE NATIVE CUSTOMS.

THERE are several customs existing among the people, some among the Hindus only, some common to both them and Muhammedans, which tend greatly to lower and degrade their character, the abrogation of which would conduce considerably to their improvement. The misfortune is, that this is a subject of very little interest to the British-Indian rulers: show them how an additional rupee of revenue can be raised, and they are sufficiently on the alert; but talk about the improvement of the

people,—they may perhaps individually subscribe to a school, or some other institution,—but if any allusion be made to those points which require investigation, and tact in the introduction of any change, it is thought too much trouble, or the question is settled by a dogmatical assertion, that it is dangerous to interfere with their religious customs.

Nevertheless, some of their customs, which, practically at least, the people were accustomed to consider part of their religion, as much as if they had been enjoined by the shasters, have been abolished without any ill effects; viz., suttees, infanticide at Sagur island, and self-immolation by drowning at Allahabad; while all native law and custom regarding succession and inheritance to landed property has by the revenue-officers been completely subverted, as described in No. LIV. It may here be remarked that Englishmen are too apt to be led away by what they are informed is prescribed by the shasters: now, with the mass of the people the orders of the sacred books would weigh little compared with their hereditary customs. For many of the existing religious ceremonies, and daily observances, no injunction could be produced from any shaster, while some of the dogmas of the latter have gradually, and most probably accidentally, become forgotten and neglected. When we consider these facts, it may be fairly declared to be the duty of a civilized and Christian nation to interfere in matters which are contrary either to humanity, morality, or justice. To some of these I now propose to allude\*.

Regarding the suttee question, Lord William Bentinck did not go far enough; in addition to abolishing that horrible rite, he should have enacted some rules to provide for the maintenance of the widows. By the Hindu law, women may possess separate property, called *stridhun*; viz., “what was given before the nuptial fire; what was given at the bridal procession; what was given in token of love; or what was received from a mother, brother, or father.” (See W. H. Macnaughten’s Hindu Law, art.

\* Many of these will be alluded to in the paper on caste: the following only is quoted here as one of the strongest instances I ever met with; viz., that a class of Hindu bearers exists in Suharunpoor, who will only eat meat that has been made *Hulla*, i. e., killed by a Moosulman butcher, who, at the time he cuts the animal’s throat, repeats a prayer. Many of the lowest castes have no objection to meat killed in this way.

*Stridhun*.) But in the same law we are told that the woman has absolute dominion over her separate property, yet that her husband may use it, or even consume it, if in distress, *i. e.*, virtually whenever he chooses. In partition of property, a share is awarded to the daughters in one sentence, and in the next it is declared that this provision for the sisters, intended to uphold the general respectability of the family, is accorded rather as a matter of indulgence than prescribed as a matter of right. Again, here is another dictum, as follows:—A woman is never to be free from control; in her youth her father, in womanhood her husband, and in old age her son, or even grandson, is to rule and guide her.

The simple fact is, that Hindu law is nothing but a collection of dogmas written at various times by different pundits (priests), each individual being guided by his own fancy; and, with the exception of the most simple points, there are few on which the most opposite dicta may not be quoted from different (so called by courtesy) Hindu legal authorities. When Government shall sufficiently care about the administration of justice among their Hindu subjects, as to induce them to employ qualified persons to draw up a compendium of the law for the information of the judicial officers, it is to be hoped that the contradictory written laws will be tempered by a reference to the practical customs of the people.

According to these, a woman can have no property: cases not unfrequently occur, where a married woman has eloped with her seducer, and the husband has pursued, not with the view of recovering his wife, but merely to obtain the ornaments which she has on her person, and which, by the abstract law, are her own property. I have asked hundreds of natives of all classes what ought to be the decision in such cases; the reply has invariably been, “The ornaments should be restored to the husband.” But let us consider a moment the practical condition of widows among the Hindus. Widowhood is marked by the distinction of being deprived of all ornaments, particularly the much-cherished *nut*, or nose-ring\*; of being permitted only to

\* The absence of the *nut* being the mark of widowhood, (there are, how-  
ever, some castes who never wear this ornament,) the women have such a dis-

wear the plainest white clothes; of not being allowed to sleep on a bedstead; of only eating one meal a-day, and several others, mortifying either to the mind or body; and in all families, except those of the very poor, these restrictions are rigidly preserved. The widow of the head of the family is seldom obliged to work as a servant, though even she cannot always avoid such a fate; but this is too often, I believe I might say generally, the lot of those whose husbands were the inferior members. The following instance will show to what a pitch this is sometimes carried:—A Rajpoot of respectability, and possessing some wealth, had five sons and several grand-children; the family all living in common. As he was a widower, the wife of the eldest son was in some measure considered as the mistress of the family; and she, of course, felt the dignity of the situation, and looked forward to the positive enjoyment of it after the death of her husband's father. But, unfortunately, her husband died; in addition to suffering all the above-mentioned mortifications, she was called upon to perform first one service, then another, until after about a year she became the cook of the family, in which drudgery she spent her life. Nor is this at all a singular instance\*.

When we consider the prospects of the widow if she resolved to live, and, on the other hand, the fame and glory which she believed she should reap by burning herself with the corpse of her husband, together with some other causes, which, not being of any general interest, as the question has been so long settled, will be introduced in an appendix, the wonder is, not that so many, but that so few, suttees occurred. Many widows who refrained from burning at the time, have never ceased to regret it, and not a few have been so harassed by the mode of life they were obliged to adopt, that they have subsequently destroyed themselves. It may be asked why they did not quit the families where they were so miserable, and form some other connexion. Many of the inferior castes and poorer classes do so, but women

like to being without it, that when they take the *nut* out of their noses, for a few minutes only, to wash it, they will often supply its place with one of their ear-rings.

\* Notwithstanding this, as a general,

indeed all but universal, rule and practice, women are sometimes found in both possession and management of considerable property. They have even, as queens, ruled kingdoms.

of high caste would consider it as bringing disgrace upon their families ; and rather than be the cause of this, they will either submit to their degraded situation, or destroy themselves. There are, doubtless, exceptions to this high feeling, even among the best castes and classes ; but to give an idea how strong it is, it may be mentioned, that many women who are brutally treated by their husbands, refuse to complain to the magistrate, because to publish family quarrels would be considered disgraceful.

When Government abrogated the practice of suttee, the law should also have prescribed some provision for the widow, to be paid to her by the successor to her husband's property. It would have been very expedient, and I think perfectly practicable, without creating any disturbance, to go a step further, and declare, that every widow, who was of age, should be at her own disposal, and at liberty to form a second marriage. This proposition is no vague speculation ; it has for many years been introduced into the territory of Kumoun in the Himaleyah, yet the circumstances in which widows were there situated in regard to their husbands' families, were such that, *primâ facie*, it might have been expected that such a law would have been deemed a much greater outrage than it would be in the plains. According to law and practice in Kumoun, although the usual Hindu marriage ceremonies are not omitted, a man buys his wife just as he would a cow ; he formerly might sell her again, (as a wife, not as a slave,) or even mortgage her for a time, possession being transferred to the mortgagee, with whom the woman lived as a wife. If a man died, his widow became the wife of his younger brother, or the husband's family might sell her if they pleased. So much were they considered mere property, that the wife and children were always included in the list of a man's goods and chattels which were to be sold for debt. Such was the practical law of Kumoun, and numerous complaints relating to the above customs were lodged in the British courts on our first obtaining possession of that province, and no small number of suits were preferred regarding elopements, the natural consequence of such customs ; a woman who had been mortgaged for two or three years, would sometimes like

the mortgagee better than her husband, and, after having been reclaimed by the latter, would run away to the former. Some of the complaints were rather amusing; and it should be observed, that there the women perform all the household and half the agricultural and out-of-door labours, which makes them so valuable. A man who can scrape together money enough to buy a second wife, will immediately cultivate an additional portion of land. But to give a specimen or two of a suit:—Plaint by A. “Sir, I mortgaged my wife to B. four years ago, for fifty rupees, and gave him possession; now I am ready to pay the money, but he will not give up my wife.” Reply by B. “It is very true; but when the woman came to me, she was thin, half-starved, and scarce able to work; now she is in good condition and works famously; I ought to have something extra for my care of her.” In elopements the husbands often take the matter very coolly. A man will come up and say, “Your honour, Punchum ran off with my wife four years ago, and will not restore her.” “Four years ago! why have you not complained sooner?” “Why, the first year one of my bullocks died, and by the time I had got another, the season had passed; the second year I went down to the plains on a little trading speculation; last year he put me off by promising to give her back; and as he will not, I am now come to complain\*.”

It is obvious, that where such abominable customs exist, love must be almost unknown, and that they pave the way for all sorts of immorality. But all has been stopped by a simple order. The sale and mortgage of wives is abolished, and every widow is at her own disposal, to live where she pleases, or marry again. The same law might, with great advantage, be introduced into the Regulation-provinces. Among the poorer classes it would be productive of great benefit, and would check much immorality and licentiousness; and, although it is not probable that women of high caste and good families, particularly if their relations

\* To enable my readers to understand this, it should be mentioned that in Kumoun the commissioner makes an annual tour of the district, and that the people prefer waiting, even for several months, for the court to come to them, than to go a long distance to attend the court.



were tolerably well off in the world, would, at present, often take advantage of such a law, being restrained by the idea of impropriety in a second marriage; yet, the knowledge that they had the power to do so, would induce the husband's relations to treat them with much more respect and consideration.

But, by the Hindu law, a widow cannot contract a second marriage. It would, therefore, be requisite to prescribe some simple civil form, which should constitute a legal marriage, and thereby prevent the abominable state of concubinage, in which so many hundreds (thousands would not, perhaps, be too strong an expression for the whole of the Bengal presidency) of Hindu widows are now living. It is true they are looked upon as wives, and are considered respectable by those around them; and this is another of the innumerable instances, where the practice runs contrary to the law; still, they are not wives, and may be turned out upon the world, whenever the person with whom they are living is tired of them. I would suggest, that the judges and the local moonsiffs should be the functionaries before whom the ceremony should be performed. There is no situation exclusively appropriated to a Hindu, but that of a law-officer, of which, there is only one in a district; the kazees, being a sort of Muhammedan priest, would be objectionable; but the first-mentioned officers being selected from men of every class or religious persuasion, might with propriety be employed in this duty, and the parties would never have any great distance to go. Registers should be kept; and some provisions enacted, that two or three relations, or respectable inhabitants of the village in which the parties resided, should certify that the woman was a widow; or that notice should be given, a certain number of days before the marriage took place, to the civil officer, so as to give him time to make inquiries; but these are points of no great difficulty. If a little pains were taken to explain to the people the advantage in the event of suits for landed property, (now that there is a hope that Government will create a property in land,) and in various other ways, others might be induced to register their marriages, and after a few years it might be made compulsory. Some enactment of the nature proposed, prescribing a civil form to be suffi-

cient to constitute a legal marriage, is much required. The parties may, of course, go through any religious ceremony they please.

Many East Indians, Christians, and some Englishmen, cohabit with native women, who are not Christians, whom they would have willingly married if they could; but, unfortunately, the law has made no provision for such cases. It is urgently to be hoped, that Government will pay a little more attention to these sort of matters, than they have hitherto done.

The next subject is that of Slavery; and in describing their condition, I will endeavour to reply to certain questions promulgated not long ago by the Board of Control, as far as regards slaves in the Upper Provinces. By both Hindu and Muhammedan law (Question 2), people may become slaves in a variety of ways: practically, however, for the last thirty years, slaves have been procured chiefly from those who were driven by poverty to sell their children, or from kidnappers; the number, however, who become slaves in the British provinces, is in the present day very few. The slaves not only marry (Question 10), but it is considered a duty for the master to procure them wives: their offspring (Question 12) remain slaves. Slaves may be sold (Question 11), but no master would dare to sell a husband separate from his wife, from dread of the ill-name he would acquire among his neighbours for so doing. It is, however, very rare for a man to part with his slave.

Among the Hindus (Question 12), a slave can only be emancipated with consent of his master, or, if he should save his master's life: a female slave bearing children to her master, if he have no legitimate issue, is entitled to her freedom. Among the Muhammedans, a female slave bearing children to him, is emancipated unconditionally, at the death of her master; and slaves may, under certain conditions, pay a sum to their masters, and acquire their freedom.

Among the Muhammedans (Question 7), slaves are subject to several disqualifications; their evidence is not admissible: they are not generally eligible to fill any civil office in the state, nor are they competent to make gift or sale, nor to inherit or bequeath

property; on the other hand, they have many indulgences both in civil and criminal matters.

It is said (Question 9), that serfs corresponding to the description of *adscripti glebæ* are common in the Upper Provinces; but this may be doubted in the present day, whatever may have been the case formerly. All that I know of, are those made such by the revenue-screw of the British government, as described by Mr. Holt Mackenzie, in his Minute of 1st October, 1830. "Many thousand villages were alienated under all the modes of fraud and folly set forth in the 1st Regulation of 1821; and large communities sold, as if they had been cattle, for the default of their directors; no one, from Government downwards, being able to say precisely what was sold."

Such are, or rather were, the general features of the law regarding slaves in the Upper Provinces at the time of British accession: in other parts of India, circumstances are, I am told, very different; but almost the whole is changed, or indeed almost annihilated now. A slave is just as much under the protection of the civil magistrate as any other person; his evidence would be taken in a British court as readily as that of a free-man: indeed, I will engage to say, that many a slave has been examined as a witness in our courts, whom the judge or magistrate did not even know to be such: nay, I have known a trial in sessions, where the principal witnesses were dancing girls, whom the law-officer knew to be slaves, yet, notwithstanding the Muhammedan law, he made no exception to their evidence. In short, as far as appearances go, there is no difference between the treatment of a slave and that of a domestic servant, except, that the former is provided for in his old age, a good fortune which does not often fall to the latter\*, both do the same work, and so utterly different is everything connected with slavery in India from that of the West Indies, that a foreigner might reside in the former country for fifty years, and if he made no inquiry, and were not told, he would probably not have an idea that a slave existed in

\* Those natives who can afford it, constantly provide by a small pension for servants who have served faithfully, and grown old in their employ. Another good trait in their character.

India; so little is there to meet the eye, to induce a person to think so.

But even before the introduction of the British authority, the practice was often at variance with the law. For instance, slaves, by the Moosulman law, are not generally eligible to fill any civil offices in the state; yet, in all Muhammedan countries it was very common for slaves to rise to the highest situations; that even of prime minister has been held by a slave. Those of the poorer Hindus who possess slaves, treat them more as members of the family than like servants; they sometimes even succeed to the master's property: indeed, I suspect this to be more frequent than is generally supposed, from the circumstance, that, in a civil suit for real property, it is not uncommon for one party to allege that the opposite party and present possessor is descended not from the original owner, but from one of his slaves. In the Himalayah mountains, if a man have an only daughter and a slave, provided the latter be of good caste, it is not unusual for him to give the slave his daughter in marriage, and at his death to leave him all his property. These observations reply to Questions 5 and 6.

Questions 1 to 3 are of no particular consequence in regard to these remarks; Question 4 is answered by the whole tenour of these observations; the following will reply to Questions 13 to 17, which is the last. Practically, almost all property in slaves has, in the Upper Provinces, been destroyed by the repeated decisions of the English magistrates and other functionaries. Government have often been urged to enact some distinct rule, either abolishing slavery altogether, or allowing it in a modified degree; but in this, as in some other cases of difficulty and delicacy, they have followed the vacillating course so characteristic of the British-Indian rule. They have always refused to give any specific orders; at the same time, hints were given to the civil officers of the anxiety of Government to put a stop to slavery. The object of this mode of proceeding was, that if the exertions of the subordinate functionaries proved successful, Government would have taken the credit, in a flaming letter to the Court of Directors, of having abolished slavery; while, had any disturbance occurred, or any-

thing gone wrong, the blame would have been thrown upon the unfortunate district-officer. The result, however, has been, notwithstanding the contradictory decisions which have occasionally been given, as described in No. II. of these papers, that the general tenour of the magistrates' proceedings has been to destroy slavery, by constantly declaring the slave to be free whenever a case has been brought before them. It is true, that many slaves still remain with their masters, simply, because they have lived there all their lives, feel themselves to be better off than they would be by obtaining their liberty, and have become attached to their master and his family. But the masters feel that all power over their slaves is gone; and, whenever I have made any inquiries upon the subject, a very common reply has been, "What is there to tell about? slavery is all over now."

This may, in some measure, quiet the fears of those who think that a sudden abolition would create any disturbance; but strange as it may seem, it is probable that a modified slavery would, in India, be better than a total abolition. Such a proposition may raise an outcry, but the English are more easily misled by a word than any other nation. There are certain words which operate upon us like a talisman; half the nation is up in arms at the bare mention; whereas, if people would take the trouble to think a little, they would find that slavery, under proper restrictions, is nothing but an apprenticeship. Some such rules as the following, would probably prevent any evil effects.

First. None but a parent or legal guardian to sell a child: the sale to be registered in the office of the judge, or one of the local moonsiffs.

Second. The rights over the child sold, to be those only which the parent or guardian himself possesses.

Third. The purchaser to have the power to make the slave work, and to inflict chastisement in moderation; just as the parent or guardian would have done\*.

\* It has been suggested, that the parents should have the power of redeeming the children, by paying back the sum they had received for them, at any time. This would render the whole proceeding nugatory, as no one would buy a child under such conditions. If such a rule were attached to the system of apprenticing in England, no one would take an apprentice;

Fourth. Ill-treatment of the slave by the master or mistress, punishable by fine before a magistrate: gross ill-treatment to entitle the slave to freedom.

Fifth. Every male slave to be entitled to his freedom on claiming it on coming of age, or at any subsequent period.

Sixth. Every female slave to be entitled to demand her freedom on coming of age, or at any subsequent time; and to a small sum of money (the amount to be specified,) as a dowry.

Seventh. A proclamation to be issued to all now possessing slaves, whether procured by purchase or born in slavery, to register them; after which, the slaves to be subject to the above rules.

Eighth. In the event of the proclamation being neglected, at the expiration of (say) one year from its date, all unregistered slaves, if discovered, to be at once declared free.

Should Government be afraid of the odium which the idea of slavery excites, it is only necessary to drop the word *slave*, and call it "a law for establishing apprenticeships," for it would be nothing more. The benefits resulting from such an enactment would be three-fold. First, something definitive would be established, and the people would be relieved from the uncertainty in which they are now placed in slavery cases; where one magistrate supports the customs of the country, another reverses them. Secondly, in a famine, many hundreds of families would be preserved by the sale of one child; or rather by binding it apprentice, as a servant to a person in whose house it would be much better off than in that of its parents. During the late famine in 1833 and 34, in Bundelcund and some of the provinces to the south-westward, many hundreds of people might have been saved from starvation had such a law existed: children were offered for sale, but few would purchase, for fear of being punished under our anomalous law, which leaves every magistrate to his own discretion. And what was the consequence? Why, that after

<p>because, all the diligent lads, who had speedily learnt their business, would be taken away by their parents, that they might earn wages as journeymen; and</p>	<p>only the idle and good-for-nothing would be left on their masters' hands, for the whole term of their apprenticeship.</p>
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the parents had died, the children were found wandering about by the police, were sent in by scores to the magistrates, and by these officers were given away to any one who would take them ! One commissioner I believe took upon himself to proclaim, in the emergency of the case, a permission to buy the children. Thirdly, it would afford an opportunity to many to secure attendants, who, being too young long to retain any recollection of their former home, would consider their present residence as such, and, if well treated, would often remain faithful servants to their masters to the end of their lives. Some, of course, would turn out badly. Many people may doubt this, but it is very common when slaves are well-treated: I have repeatedly spoken to men who were aware, that, to obtain their liberty, they had only to demand it, having been illegally made slaves, and have been answered, "Where should I go to be as comfortable as I am here?" There need be no apprehension that such a law would tend to lessen the affection which ought to exist between parent and child: there are, doubtless, bad characters in all nations, but, with a few solitary exceptions, the natural feelings of both Hindus and Muhammedans are far too strong to allow them to sell their children, unless when driven to such a course by dire necessity. Strong instances of this occurred during the late famine: the children often survived while the parents died, because they starved themselves, that they might divide among their children the small portions of food which they were able to procure.

POLYGAMY,—that source of a thousand evils. This is, doubtless, delicate ground with the natives of India; still something might be done to lessen the evil, at least, in a small degree. With those who are rich enough to support two or three wives, we could not, perhaps, at present, venture to interfere; but a law to prevent men who can hardly support one wife from marrying a second, would be extremely expedient. Regulation VII. of 1819, prescribes one month's imprisonment (without labour) as the punishment of a man who neglects to provide for his wife and children; and this may be repeated as often as a complaint may be proved against him. But this law does not answer its end: it ensures the wife and children being left to their own

resources for a month, while the husband is comfortably lodged and fed in idleness. And here I cannot again help alluding to that most extraordinary principle of British-Indian legislation; that, as long as a man is honest, and behaves well, he must work hard for his daily bread; but that no sooner does he turn rogue, or behave ill, than he is lodged and fed in idleness: a premium, in fact, for misbehaviour. No man who, if at liberty, must labour daily for his subsistence, should be treated in this way; he should, in gaol, no matter for what he may be confined, be offered the same choice which he would have out of gaol,—to work or starve. To a man of the labouring classes, who has no family, or who does not care for them, mere imprisonment of the above nature is no punishment at all; he should be made to work hard, and have only half the prison allowance, the rest to be given to his family: a month thus spent would have a very beneficial effect. But the enactment in question is a perfect dead letter in the case of a man marrying a second wife, whose means are barely enough to support the first: it is to no purpose that an order is issued, awarding a certain allowance to the first wife; the husband has it not to give. In such cases, the magistrate should be empowered to pass a sentence as far as six months' imprisonment, with hard labour, half of the prison allowance being given to the first wife, to pronounce the second marriage null and void, and return the woman to her parents. This would, in a short time, effectually prevent second marriages among those who could only support one wife; for they are contracted for a temporary gratification,—either because the first wife was sick and unable to attend to the household affairs, or because the husband was in service at a distance from his home, and did not like the trouble of cooking his own dinner, or some such reason. Such a law would also give the first blow to polygamy among people of a better class. Many a man, not knowing exactly what amount of property would satisfy the magistrate as sufficient to support two wives, would refuse his daughter in marriage to a person who had already one, for fear of the second marriage being cancelled, and his daughter returned on his hands.

The succession of the superintendents of the Hindu temples,



and Muhammedan colleges, mosques, or tukeeas\*, is a subject well worthy the attention of Government. The income of many of these institutions is often wasted in law expenses, and the establishments themselves sometimes completely ruined, by quarrels among the disciples of the old incumbents respecting the succession to the situations of chief priests, or principals; while students and poor travellers, for whose benefit they have been often established, are the sufferers. A few short and simple rules would prevent all this evil. First, to declare whether the successor should be nominated by the existing head, which would probably be the best rule, with a proviso that the nomination should be intimated to the judge of the district, before the death of the principal.

Second. In default of this, the judge, on receiving intimation of the death of the incumbent, should call on the disciples (chelas) then present to elect a successor within a certain time. A week, in general, would be quite enough. The disciples might also be at liberty at once to meet of their own accord, and elect a successor, intimating the same to the judge; in either case, a majority of votes to decide the matter.

Thirdly. Should they not come to a decision within the prescribed period, the judge should appoint the successor from among the disciples.

The course adopted by the authorities under the native governments was something similar to what is proposed; consequently these establishments were not ruined by law-suits, as too frequently occurs under the British rule, from the inefficiency of the civil courts, which alone could take cognizance of claims of this nature. This, probably, is another of the blessings we have conferred upon the people.

Fourthly. If it were proved summarily before the judge, that the superintendent of one of the above institutions was either embezzling or wasting the income of the establishment, the judge should be empowered to turn him out of his office.

\* Tukeea is the residence of a fukeer, or Muhammedan half priest, half mendicant, when stationary; it is usually at the tomb of some holy man, to which offerings are made. The English, in their ignorance, apply the term fukeer to religious mendicants of all classes, Moosulman and Hindu; which is as absurd as if they were to call an English beggar a friar.

Fifthly. Any sale, mortgage, gift, or transfer of the lands or endowments of these establishments, should be declared illegal; and it should be enacted that they could not be attached for debts due by any one connected with the institutions; that, in fact, they were the property of the latter, and inalienable by any individual.

Such rules as these would be a real blessing to the people; and so far from being an interference, they would only be a revival of the practice which obtained under the native governments. It is true that Regulation XIX. of 1810, vests the Board of Revenue with the superintendence of religious endowments and buildings, and with the power to prevent alienation of the lands for private purposes; but the Regulation has been almost a dead letter, and the evils to which the present state of affairs practically gives rise, may be seen by turning to Appendix C.

The period of majority might be altered with very great advantage. By the Muhammedan law, it is at the age of sixteen years, both for males and females, unless puberty should appear sooner. The Hindu law varies, of course; by one authority, fifteen, by another sixteen, and by a third seventeen years, is declared to be the period of coming of age. By the Regulations of the British government, when minors are placed under the Court of Wards, eighteen is the age fixed for majority. For that of females, I do not think that any particular age is directly prescribed; but indirectly, by Regulation VII. of 1819, it is fixed at fifteen years\*. Both ages are undoubtedly too young; a Hindu or Muhammedan of eighteen, is no more fit to be his own master, and to have the management of an estate, than an English lad at that age would be. It would be extremely expedient if the period of majority in India were fixed at eighteen for females, and twenty-one for males.

RELIGIOUS WANDERING MENDICANTS. It would be a boon to the native public, if Government would adopt some measure to prevent the annoyance which is caused by these vagabonds, and to check their increase. They are not any particular caste; any

\* This Regulation provided for the punishment of any person seducing away, for the purpose of making her a prostitute, an unmarried female, under fifteen years of age.

Moosulman may become a fukeer, and any Hindu a bairagee\*; the day is long passed when real religious feeling formed the inducement to become a mendicant; and, with exception of a very few who choose this mode of life from grief, on account of family afflictions, the whole class are idle scamps, who prefer begging to the trouble of working for a livelihood. They are, with few exceptions, the most dissolute abandoned villains, connected with thieves, and often robbers themselves. It is fear, not respect, which induces the people to give them alms, of which the following is a strong instance. At one of the holy bathing-places, on the banks of the Ganges, one of these men was observed forcibly taking some pice (a small copper coin) out of the hand of a female pilgrim (a common-enough occurrence); an English officer standing by, struck the mendicant, who chanced to be a Brahmin, two or three blows with a whip, telling him to take what was freely given to him, and not to annoy people in that way. The man attempted to enlist in his favour the feelings of those around, by crying out, "See how this Englishman is treating one of your Brahmins," &c. &c.; the pilgrims, however, took quite a different view of the matter, praised the Englishman, and abused the mendicants, complaining that "These scoundrels almost take the clothes off our backs." I could mention many anecdotes and occurrences which just as strongly exhibit the real feelings of the people towards these vagabonds. Some of them wander about quite naked, covered with dirt, ashes, and cow-dung, the most disgusting objects possible.

It would not at all be a difficult matter to annihilate the race of these men: they follow the trade of begging merely because they are too idle to work; only make them labour for Government, the existing tribe will soon find it better to follow some honest livelihood on their own account, and no new ones would recruit their numbers. All that is necessary is, to authorize the magistrates to apprehend all the able-bodied mendicants as vagrants, and on suspicion of being thieves; to call on them for security for good behaviour, or for the attestation of three or four respectable individuals to their good character, which not one in a

\* One of the sects of mendicants.

hundred of them could procure ; and, in default of this, to commit them to hard labour for six months, at least. When the sentence had expired, they should be taken to the border of the district, and turned loose into the next, where they would undergo the same discipline. The whole class would very soon disappear, to the great joy of the people ; which I assert from experience of the result of an experiment of the mode of proceeding here suggested, which was made by a magistrate some years ago. Not a mendicant would show his face in that district, and the people were extremely well pleased to be rid of them. The old, blind, decrepit, in short, all who are really unable to work, must, as there are no poor-laws in India, be allowed to beg as usual. The stationary fukeers may also be tolerated at their tukeeas, where they are often useful in giving water to travellers ; but these should be registered, and placed under surveillance.

The last subject which I shall here discuss, is a consideration of the proper mode of interference when the different castes, or sects, attempt to molest each other. An instance occurred, not long ago, at Hatrass : one sect demanded that the processions of another should not proceed along the main street, and which intolerance was supported by the Nizamut Adalat (chief criminal court). The decision was unfortunate, and will afford a very bad precedent ; for, strange as it may appear to those who have heard so much of the mild patient Hindu, and the fierce bigoted Moosulman, the former is, when he has the power, fully as intolerant as the latter, only that the attempt forcibly to make converts renders it more conspicuous among the Muhammedans. Witness the petitions that are constantly presented to magistrates, requesting them to prevent the erection of a mosque, Muhammedan processions, or the killing of cattle. The last is, in Nipal, punished with death ; and the Sikhs will neither allow that, nor even the call to prayer to be pronounced aloud. To each and all of these, the same reply should be given :—"Our principle is universal toleration ; every class and sect is at liberty, not only to profess, but to practise its tenets, provided no personal annoyance be given to others : if the processions of one be prevented, those of all shall be ; if the building of the mosque be prohibited,

no temple shall be erected in the village; and, with regard to the killing of cattle, as long as it is not done openly, you have no business to know anything about it, or to interfere; if you choose to pry into what we do in the interior of our houses, or tents, and see anything which grates your feelings, it is your own fault."

Some magistrates have acted thus, when occasion required; and if the matter be explained to the people with a little patience, they submit in perfect quietness, although they will, at the time, be a little dissatisfied at having their request denied; in fact, the common sense of the principle is so strong, that they have nothing to urge in opposition. Others, again, misled by some native favourite, take part with the one or the other sect; and here we have the chief court in the country sanctioning such intolerance. Government have hitherto refrained from enacting any general law on the subject, in order that, by leaving it (as in the slavery case) to the discretion of the local authorities, they might have some one on whom to lay the blame, should anything go wrong.

The suggestions in this paper are, perhaps, worthy the attention of the Legislative Council. I am aware that delicacy and tact are required in any interference with the customs of the people, particularly when they are connected with their religion. It is also perfectly true that the introduction of laws, good in the abstract, is often of little use, unless we can carry the feelings of the people with us; of which many instances might be quoted, and the following is a strong illustration. A well-founded complaint being preferred by a woman against her husband for ill-treatment, the latter was fined by the magistrate; yet this decision, which seems to us so proper, was viewed in a very different light by the people,—even by the women; and some doggerel verses were composed, ridiculing the magistrate and his decision, and for many days actually sung by the women as they passed his house on their way to their work. Dubois describes the Hindus as a people who will submit to extortion, to having their wives and children sold as slaves, and, in short, to every species of civil oppression; yet that, on the least interference with their religion, they will be found an ungovernable nation; and expresses his opinion that the day on which Government shall make the

attempt, will be the last of its political existence. What may be the temper of the people on the Madras side of India, I cannot say, but in the Bengal presidency they are a very different race, whose feelings on that point are by no means so strong; which is sufficiently proved by what has been done, both by the Muhammedans and the English. Their prejudices and customs have been interfered with, and where a small increase of revenue was anticipated, we have set at nought, and annihilated, all law and custom: let us then hope that, where improvement and the gradual introduction of better habits and feelings is the object, Government will display a little boldness and tact in correcting practices which are intrinsically bad.

*August 8, 1835.*

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No. LVIII.

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ON THE NATIVE ARMY.

THERE are few subjects on which a young man, on his first arrival in India, is more prone to entertain erroneous notions, than concerning the native soldiery. On all sides he hears philippics against the *natives* of India, who are represented as possessing almost every bad quality; while, on the other hand, he is overwhelmed by the laudatory expressions adopted whenever the sepoys are mentioned; whose sense of honour, gratitude, and devotion to us; whose bravery, patience in undergoing fatigue and privations; honesty, and various other good qualities, are described as being beyond all praise. Many a young man has consequently made the mistake to suppose that the sepoys were from a foreign territory, totally unconnected with India: no one would ever have imagined that men, of whom such totally opposite characters were given, could be of the same country and race. I confess that at first I fell into this mistake, but at length I made the discovery that the sepoys were the common peasantry of

India; and that those who were spoken of as “the natives,” from whose character that of the whole population was described, were a few of the refuse of the country, who attended the English as menial servants.

Many of the military officers, when reminded of their inconsistency, endeavour to explain it by asserting, what they really believe, that the sepoys are from the middling and better classes of the people. This, however, is a complete mistake: the majority of the native infantry belong to the poorer classes of cultivators; some, chiefly the Muhammedans, are inhabitants of towns; these sometimes possess gardens or small fields near the town, and live by selling the produce: they are, for the most part, descendants of the old soldiery of the native princes: and there are a few of a miscellaneous description whom it would be difficult to class.

The whole of these are the very same description of people who serve as policemen, or even as common watchmen (choke-dars) to individuals. Notwithstanding what is so often said about the preference shown by certain classes for a military life, there are very few of any description who would not rather stay at home if they could; although, if from want of means to do this, obliged to go to service, undoubtedly there are large classes who prefer the army to any other. In spite of the high pay and privileges which our native soldiery enjoy, there are few men who, if they possessed an income equal to three or even two and a half rupees per month, would ever leave home to enter the army; but when the income is less than that, then one or more members of the family set out to seek service. A party of six or seven, or more, from the same village or neighbourhood, is often made, and the first step usually is, to offer themselves as soldiers; then as policemen or revenue officers, and such as are unsuccessful in all these departments, take the situation of *chuprassee*\*, or watchmen to individuals. Some will choose one of the other situations, when they can obtain it near their own houses, in preference to the army. These observations apply nearly to all the native soldiery,

\* A sort of attendant resembling the armed lackeys of great men in England in former times.

with this addition, that the same class of town-bred Muhammedans who enlist in the army, will also enter the service of individuals as table-attendants, grooms, or other capacity. Many of these servants have brothers, or other near relations, in the army; and there is scarcely a policeman, chuprassee, or private watchman, who has not also. So completely erroneous is the notion that our native soldiery are drawn from the middling and better classes of the people. The regular cavalry are, on the whole, composed of a description of men inferior to those who form the infantry of the line: the artillery, horse and foot, may rank with these two as to the sort of men of which they are composed; and the only branch of our army which contains a better description of men than those above mentioned, is the local or irregular horse.

It is true that many men are to be found in the army who are entitled to pensions, or who now have it in their power, if they pleased, to retire on a very comfortable income: they have become accustomed to the service, like their comrades, have acquired expensive habits, look forward to promotion, and a still higher income—various reasons may be assigned: there are also some who have a natural wish for distinction, instead of remaining clodhoppers all their lives; but the majority of the natives of any class would certainly not leave home for any service, if they could live there with but very moderate comfort.

Much of the praise which is bestowed on the sepoys is, indirectly, flattery to ourselves. They are so faithful to *us*; they will endure so much in *our* service; and other expressions of a similar nature are made use of, thereby intimating that *we* had so treated them as to produce the feeling of gratitude (which, however, *the natives* do not possess). Instances are quoted, such as the attack on Warren Hastings by Chait Singh at Benares; the retreat of Colonel Monson; the disturbance at Bareilly, where an attempt was made, by the fanatics who headed the mob, to excite the religious feelings of the troops against their officers; and various others, all tending to show how much the sepoys will do for *us*, and what an excellent class of men they are, while *the natives* are everything that is degraded and bad.



It is surprising that the absurdity of it never strikes those who are constantly talking in this style; for surely a good many of the military officers must know of what class of people the native army is composed.

But the above circumstances, which we endeavour to turn to the account of our vanity, are in truth only characteristic of one peculiar feature in the character of the natives—the narrow circle to which they confine their feelings and affections. Patriotism in its proper sense, *i. e.* a love of one's country (not according to Johnson's definition, which probably is a much truer one according to modern practice than the other), is a sentiment unknown to any native of India: he has a strong attachment to his own home and village, but so far from extending it beyond that immediate sphere, he probably may be at feud with half the neighbouring hamlets: and so far is this indifference carried towards any thing but what is immediately connected with himself, that if it were the purpose of Government to ravage, with fire and sword, any particular district, it might be done just as effectually with soldiers raised in that province, as with regiments composed of foreigners. When it came to the point, each man would be anxious to save his own particular village, but he would most likely have no sympathy for its neighbour\*. It is this feeling which makes the native ready to engage in any service of which the pay and treatment are good. They are, in short, complete Captain Dalgettys.

Their attachment, if it may be called such, to the British Government, arises from the high pay, higher than can be obtained in any other service; the privileges they enjoy; the circumstance that our Government is in appearance more stable than any native sovereignty; and the greater regularity with which pay is issued. The following is the rate of pay received by the respective grades in the native infantry and foot artillery in the Bengal

\* It is not always that he would wish to save the whole of his own village. The people of the same village are sometimes divided into two parties, each of whom would be very glad of an opportunity to cut the throats of

the others, and obtain possession of their share of the lands. When Meer Khan, or Ameer Khan ravaged Rohilcund, probably half his troops were composed of natives of that province.

presidency. That of the cavalry, and horse artillery, and sappers and miners, is higher.

<i>Rank.</i>	<i>Rupees pay per month.</i>
Subadar or native captain .....	67
Jemadar, ditto lieutenant .....	24
Havildar, ditto serjeant .....	14
Naik, ditto corporal .....	12
Private sepoy .....	7
Drummer .....	11

In addition to which they receive some articles of clothing: certain regimental staff appointments are open to them: their letters are transmitted free of postage: facilities are afforded them in preferring suits in court, beyond what are granted to other suitors: and it is also ordered that any cause in which a sepoy is concerned is to be heard in preference to others, without reference to its place on the file. They have also a pension when worn out. The pay of a native infantry private, compared with the income of the agricultural classes, the wages of labourers, and of menial servants, is equivalent to paying an English soldier of the same rank about sixty pounds sterling per annum; besides the clothing and privileges above enumerated; of which, however, those regarding suits in court would be little valued in England, although of some importance here. Could we afford to pay our army at home at this rate, there would be little difficulty in recruiting, even in the most desperate wars. The native has, besides, the almost certain prospect, if he only live long, of rising to the rank of commissioned officer; and, in the interim, the staff situations are open to him. There is, on the whole, little campaigning and less fighting; and notwithstanding the outcry that has been made, of late years, about the heavy duty which falls upon the sepoy, consequent upon the reduction of their numbers, their labour is not half so great as that of a peasant, police-officer, or some descriptions of servants.

There is no service in India for the lower classes so good as that of the native army in the British employ; the usual pay of an infantry private, in those of the native chiefs, is five rupees

per month; and there is no regular pension, although an individual sometimes obtains one. It is no wonder then, that we have found so little difficulty in raising recruits.

There is no more striking contrast, than the behaviour of the British Government towards its native army, and the principles on which the rest of the population have been governed. While the latter, as a whole, have been subject to every species of extortion and oppression, and to a virtual denial of justice; the army is cherished in every possible way. The fact is, that Government have all along been aware that our tenor of India is that of the sword, and that as long as the native army should remain staunch, the people at large might be tyrannized over to any extent\*. This is the secret of the high pay and privileges of the native soldiers, and the leniency with which their faults are treated. Should they plunder the villagers in marching the country, redress is almost out of the question, except by a process so tedious that the cure would be worse than the original evil†: sometimes, indeed, the most gross outrages and wanton attacks on harmless villagers, or towns-people, in which several of the latter are killed or wounded, are hushed up with a mock inquiry, and passed over for fear of annoying the soldiery‡—a strong

\* It is only lately that I have discovered the meaning of the phrase that "our Indian empire is one of opinion." It is said to signify an opinion entertained by the people of our justice and good faith, which makes them prefer our rule to that of their own princes. I suspect the statesman who broached the dogma meant "an opinion on the part of the natives of its being vain to oppose us, from ignorance of their own strength; whereas, were they united, they could annihilate us with ease." However this may be, our empire is one of the sword, and not founded in the wishes or affections of the people, as we should soon find to our cost, were our troops withdrawn or much lessened in numbers.

† To procure the punishment of the plunderers, the country people must attend during the whole process of a preliminary court of inquiry, reference to the general of division, and subsequent court-martial; which, on an average,

under the most favourable circumstances, would hardly be completed under a month or six weeks; and even thus the villagers will not be reimbursed for what has been taken from them. Some officers, in order to discourage these complaints, make the proceedings as tedious as they can. Some commandants, on the other hand, to their credit be it said, will at once listen to the complaint, and, after a summary investigation, will inflict some penalty on the offender. Government should order this to be the general mode of proceeding, for the present system is a mockery of justice: when the villagers find the evil they have entailed on themselves, they generally withdraw the complaint, or abscond from the camp or station where the inquiry is to be held.

‡ Take one example of several, which it would not be difficult to adduce. In March 1834, some privates of the 1st regiment, N. I. at Futte-

proof that Government are well aware of our real position in India, and how we are detested by the people; and that even the army has not that attachment to us which formerly existed; which will be presently alluded to.

But the attachment of the native soldiery to our Government is of a peculiar nature: to an individual officer who has gained their affections, they, like other natives, will often display the most extraordinary devotion; but their faithfulness towards any Government depends entirely on the pay and privileges they receive. As long as we can pay them at the present rate, and maintain our existing high position among the powers of India, we need not entertain much fear of our native army: but beyond this, it is very doubtful how far they could be depended upon. We have hitherto been supreme and victorious; since the victory of Plassey in 1757 we have not met with any serious reverse on the Bengal side. A detachment has occasionally been cut off, or forced to make a disastrous retreat; a marauding chief has now and then overrun one or two of our provinces, from which, how-

gush, insulted some of the women of the town; a quarrel and fight ensued, in which some on both sides were beaten; the sepoys suffered most. In revenge for this, about twelve or fifteen of the men, some days after, about nine o'clock at night, armed with clubs and swords, entered the bazaar, cutting or knocking down all who came in their way, men or women! Fifteen were wounded, of whom two died. There would have been little difficulty in discovering the perpetrators; they were well known to probably a third of the men of the corps, many of whom were boasting of the *manly act*, and threatening farther outrages. Some of the officers would have discovered and brought the villains to punishment; they were laudably anxious, for the honour of their corps, to weed the regiment of such cowardly miscreants; but were thwarted by the commanding officer. He was actuated by what the British-Indian government call "honourable pride," *i. e.* he was afraid of disagreeable consequences to himself, or his corps, and wished to hush up the

matter; and the mode he adopted was to affect to doubt that the men of his corps were guilty. The commissioner, for similar reasons, was equally anxious to hush up the business; the magistrate gave way to the commissioner; and the deputy, who was very zealous in promoting inquiry, was completely checked. Government would never even have been informed of what had occurred, had not the sessions judge reported it. What was the consequence—why, that a nondescript letter was issued from Government, making out that no one was to blame; but, at the close, ordering that the regiment should be removed from the station, and be replaced by another; thus giving up all attempt to discover and punish the miscreants who had committed the outrage, but punishing all the officers of that and of another regiment (for removal is a considerable expense to them), to screen a commanding officer who would not do his duty, but who was fortunate enough to have "friends at court," and to avoid the risk of annoying the native army!

ever, he was speedily driven; and an insurrection has, from time to time, occurred: but our fortune has hitherto been propitious, and nothing has occurred really to shake our power, although enough has more than once occurred to show its precarious nature. Nor has anything happened seriously to affect our power on the Bombay side. At Madras, Hyder Ali once pressed even the council hard, and dictated a treaty; but the affair passed over in a short time, and before long we took from his son a large portion of territory, which was ultimately followed by the conquest of all he possessed.

These sort of affairs do not form the criterion from which a judgment can be drawn. The natives cannot and do not imagine that one small and partial reverse is sufficient to annihilate our power. But suppose thirty thousand Russians arrived at our boundary, accompanied by hordes of Persian and Kabool horse, to say nothing of the thousands of our own subjects who would immediately join them; that we had lost one or two battles of importance, and had been forced to retreat as far as Khanpoor, while the Russians were advancing upon us; and that an opinion prevailed of our being unable to cope with them: if, while we were obliged by an empty treasury to keep the troops in arrears, the Russians were then to offer a small increase upon the British rate of pay, the probability is, that many of our sepoys would desert and join the enemy. At least under similar circumstances, between us and the native chiefs, we have never found either their subjects or their soldiers backward in joining us. Our sepoys are of the same class, animated by the same feelings: and although our vanity makes us imagine that some superiority in ourselves induced the people to espouse our cause, such notions are only calculated to raise a smile; there are no grounds whatever to suppose that, were circumstances reversed, they would not treat us in the same way in which they had behaved towards their own native princes. We have done nothing to improve their character: so far from it, it is notorious that deterioration of character is the invariable result to natives of any class, of having communication with the English. The sepoys would not probably behave worse towards us than to any others. The sum-

mary is, that the native of Indian knows no attachment to country beyond his own village; he may be made to entertain feelings of affection and devotion to an individual governor or master; but for the Government, as a whole, he cares nothing: he will fight for any that pays him, and when he finds that which he serves losing its cause, unless induced to remain in the service by the influence of some individual officer to whom he may be attached, he will readily quit it, and even join the enemy for the prospect of good pay or plunder.

Complaints have been made, of late years, that the military service is not so popular as it was; that there is a greater difficulty of recruiting; and that the kindly feelings which formerly existed between men and officers are much diminished. There is much truth in all this. Regarding the first, although the service is still the best which is open to the lower classes of the people, yet every soldier has also his feelings as a citizen: he visits his family periodically, and some of his relations occasionally come to see him. Although individually well treated, he must, of course, participate more or less in the sentiments of dislike to our rule, which have for some years been gaining strength among the people. He hears of the over-taxation of his village lands; of the sale of some of the family property to enable them to pay the rent; and of the arbitrary confiscation of the rent-free land of some poor old bramin, whom he has, since his childhood, revered as a spiritual guide. These and other causes act upon him as upon the rest of the population; and the dislike to our service will naturally increase when Government are guilty of a breach of faith, such as was committed about a year ago; at which period an order was issued to reduce the pensions of old invalid sepoys, who had been enjoying them for several years. Had the reduction been declared prospective, there would have been no grounds for positive complaint, although the policy of the measure might be questionable; but the men naturally enough observed, that ere long another reduction, or total annihilation, of the pension might be ordered. Lord William Beninck thought it a meritorious act to effect a saving to the amount of a few hundreds a year; and probably consoled himself with

the thought that the evil effects of such a breach of faith would not be felt till after he had resigned the Government.

The kindly feeling which existed between the officers and men is also much on the decrease. This has been, in a great measure, effected by encroachments by the regimental commanding officers, on the authority of those in command of companies. Formerly the latter were entrusted with the power of inflicting slight penalties, such as extra drill, on those who deserved it; and their recommendation had considerable weight in the promotion of the men: all which has, by some commanding officers, although contrary to orders, been abolished, and they require every thing to be referred to themselves. Captains of companies are, in some regiments, frequently changed from one to the other, consequently they take less interest in their duty than formerly, nor do they take so much pains in observing the characters of those under them, or maintain the intercourse with them which they were accustomed to do. Adjutants and quarter-masters are allowed to command companies and troops, yet those officers cannot be spared from their staff employment for detachment duty; and when their companies are ordered on any duty, they remain at head-quarters, other officers being sent in command. The junior officers naturally copy the conduct of their seniors; and too often shamefully neglect the acquisition of the vernacular language.

Attachment to the state, among the native soldiery, is only to be secured through their officers: without the existence of a kindly feeling between those two classes, high pay and privileges granted by Government will have very little effect. Notwithstanding the abuses of the old system, when the complement of English officers to a native battalion was one captain and three or four subalterns, there were in those days some advantages which do not now exist. In the selection of officers for the native regiments, a knowledge of the language, character, and customs of the people, in addition to military qualifications, was considered requisite; and even after being appointed, if an officer were found deficient in these points, or of a hasty overbearing temper, he was remanded to one of the European regi-

ments, and another appointed in his stead. Now, young officers, as they arrive from England, are posted to different corps, and, if they learn the words of command and mere parade duties, not a question is asked; they may be perfectly ignorant of all the requisites above alluded to, or even of the native language. Unless they do any thing glaring to disgrace themselves, they rise by degrees, with the sole qualification of living long enough, to the command of a corps. I could point out a captain, in one of the native regiments, who, although he has been twelve years in India, is obliged to speak to his men by means of an interpreter; nor is this a solitary instance. Another custom much to be reprobated, is the transfer of field officers from the European regiments, if they have sufficient interest, to the command of a native corps; a duty for which a man of advanced age, who has all his life been only with English troops, is certainly unfit. With such an example before them, it is not astonishing that some of the officers examined before the Select Committee of the House of Commons, should have proposed to permit king's officers, provided they knew a little Hindostanee, to exchange into the native regiments\*.

A mere smattering of the language is not the only requisite; but a knowledge of the customs and habits of the men will be found of some moment, especially where these are so totally different from those of the people among whom we have lived. For want of such knowledge, we have seen a king's general order the sepoys to go to church; and in Ceylon, directing that they should be fed on salt provisions from the ships! The impropriety and absurdity of an exchange between French and English officers strikes us at once; it is not greater than that of transferring officers from English to native battalions, and *vice versa*: but alas! either from ignorance or inattention, the feelings of the poor natives are too often disregarded: many English, indeed, are apt to imagine, that because their skins are black, it is impossible that they should possess the common

\* The object of such a proposal was probably to procure for the Company's officers extended advantages from the retention of their rank when in Eng- | land; which must be conceded to them if exchanges between them and the king's officers were allowed.



feelings of human nature\*. It is through their officers alone that the attachment of the sepoys to the state can be secured, and too much pains cannot be taken to obtain the requisite qualifications in the former.

It is also a pretty general complaint, that the men who have of late years enlisted are of an inferior stamp to those who formerly joined our army; nor is the complaint without foundation, although the men are of the same classes. But in common with the rest of their countrymen, they have sunk in the world in consequence of increased poverty, and have suffered the depression of spirit and high feeling which is so universally occasioned by our system of government. The diminished interest which their officers take in them is another cause; and a third, the want of excitement to distinguish themselves by smartness and activity in the routine of duty, because, with rare exceptions, promotion depends entirely on seniority.

If Government would restore to commanding officers of regiments more authority than they now possess, particularly that of dismissing a soldier who was a noted bad character, although perhaps nothing could legally be proved against him; if the encroachments of the former on the authority of the captains of companies were prevented; and if the system of promotion by merit were introduced,—considerable benefit might be anticipated. Doubtless, abuses would occasionally creep in, and a man be promoted from favouritism; but on the whole, the native commissioned and non-commissioned officers would be a far more efficient set than they are at present.

The existing system is, that the oldest of each grade is to be promoted on the occurrence of a vacancy; a departure from the

\* This reminds us of Captain Basil Hall's observation about midshipmen's feelings. I quote from memory, and may be mistaken in a word, but not in substance. "What makes you look so glum?" said a captain to an unfortunate middy, whom he had just been rating severely. Replied the middy, "I must say, sir, since you ask me, that your harsh mode of reprimand hurts my feelings." "Oh, ho," roared the captain, "a midship-

man with feelings: the service is come to a pretty pass when midshipmen pretend to have feelings; come, walk up to the mast-head, and see if you can't get rid of a cart-load or two of them." So in India a native's feelings: "D—n the black rascals, what business have they to have feelings; let them do as they are told," is the sentiment of many; and some do not scruple to express it, if not in those words, in terms just as harsh.

rule is only tolerated under very peculiar circumstances. The mortality in the army is on the average very small; it may therefore be imagined, that by the time a man has worked his way up through a company of eighty privates, through the naiks (corporals), havildars (serjeants), to the rank of jemadar (lieutenant), and finally soobadar (captain), he must be tolerably advanced in age. In fact, not many of the jemadars, and scarcely any of the soobadars, are really fit for duty; many of the latter, and some of the former, are quite in their dotage: and I have heard many English officers express an opinion, that, on the whole, the army would be more efficient without the native commissioned officers; on the grounds that the English officers would then be more attentive to many points which are now left to the others, who are quite unqualified for the trust.

Some advocate the appointment of higher grades, such as native aides-de-camp, and others, as a reward for meritorious services: this would be desirable had we any native gentlemen in the army, and it is probable that such schemes are proposed under the erroneous idea that the better classes of natives do enlist. Few indeed of the native commissioned officers are qualified for such appointments. It is true they are called captains and lieutenants, but they are mere nonentities: there is no distinction made between them and the privates when off duty; and the intercourse between the two ranks is maintained just as familiarly as that of the privates among themselves. In the British army, when a man is promoted from the ranks, although he is separated from the men, and associates with the officers, it is generally several years before he can acquire the habits of the latter, or before the men consider him with the same respect that they do the other officers. How, then, can it be expected that, with such a system of promotion, and with such customs, the native commissioned officers can be regarded by the men as superiors whom they must obey. Such a feeling scarcely exists beyond obeying the words of command on parade; and the native commissioned officers are, consequently, not entrusted with any real authority, and the reason alleged is their unfitness;—in the event of no English commissioned officer being with a battalion, it is pro-

vided that the English serjeant-major should take the command in preference to any native officer.

Complaints are made by almost every English officer, of the incapacity of the soobadars and jemadars as members of courts-martial: no doubt with perfect truth: but it is surprising to see how few have penetrated the surface, and discovered the real cause. Many Englishmen may be constantly heard arguing against the expediency of bringing forward the natives, and of throwing open to them higher situations than those formerly attainable, and in support of their opinion, they instance the inefficiency of the native commissioned officers: but the premises are as unsound as the conclusion. When men, selected without the least reference to intelligence or merit, from the lower classes of the people, arrive at superannuation or dotage, it is not likely that, by dubbing them captains and lieutenants, they will become qualified to command companies or sit upon a court-martial: there can be little doubt that, on the whole, the havildars and naiks\* would perform both duties in a much more efficient manner than the native commissioned officers. This grade is quite useless.

The system on which the army is officered is an extraordinary anomaly: every battalion possesses a double set of officers, one English, the other native: all power and authority is vested in the former, and the latter are virtually not allowed to exercise any. Had Government originally officered each battalion with an English commandant and adjutant, and given the other commissions among the native nobility and gentry, such a measure would have gone far towards promoting the attachment to us of that class, who have now the greatest reason to abhor our rule. But now it is out of the question. In the first place, it is doubtful whether a sufficient number of natives of the above class could be found in the present day: the system too is quite different, and, as the regiments are fully supplied with English officers, it is better that the existing system be continued in the battalions of the line; at the same time, if it should be deemed practicable, it would be expedient to allow the native commis-

\* Serjeants and corporals.

sioned officers to die off, and not supply their vacancies. The misfortune is, that the system of promotion by seniority has become so inveterate, that the sepoys, instead of hoping to obtain it by merit, look upon it as their right, and make loud complaints of injustice should they ever be passed over. Worse effects I regret to see sometimes follow: a havildar of the 9th regiment was murdered not long ago, and there is strong suspicion, almost amounting to a certainty, that the murder was perpetrated by some men over whose heads he had been promoted.

For promotion to the grade of naik and havildar respectively, the captain of the company should give in the name of the man he deems most fit, with a statement of his services and qualifications: if the commandant concurs in the recommendation, that man should be promoted of course: should he disagree with the captain, he should nominate some one to the vacant step, drawing out a similar statement to the above; let both statements be forwarded to the general of the division, who should decide between them. At present the rule is, that if the commandant disapprove of the person recommended for promotion, he may, without assigning any reason, desire the captain to select another;—but all this is useless, since it is very rarely that a departure from the rule of seniority is allowed. Notwithstanding occasional abuses and favouritism, the non-commissioned officers would, under such a system, be a much more efficient body of men than they are now; for the men would have an inducement to render themselves fit for promotion, by diligence and activity in attending to their duties. Should a havildar sufficiently distinguish himself to entitle him to a commission, he might be provided for in the local corps to which I shall now allude.

While Government are at length throwing open to the natives civil offices of responsibility and trust, it is much to be hoped that the same enlightened policy will be adopted regarding military situations. Let the regular force, artillery, cavalry, and infantry, remain on its present footing, of being officered entirely by Englishmen: but the local corps, both cavalry and

infantry, present a field for the employment of the native gentry. Each regiment has only an English commandant and adjutant\*, the rest of the officers, both commissioned and non-commissioned, are natives; but as the system of promotion is much the same as in the troops of the line, the same evils result. It is in these corps that commissions equivalent to our majors, captains, and subalterns, might be given to the native gentry, retaining the present number of English officers. These, again, should be picked men, carefully selected for their situations, as it would require very considerable tact and judgment at first in managing and amalgamating the whole. For as there are but few of the existing race of native commissioned officers who, from their rank in life, would be fit to associate with the sons of the gentry, it would be necessary at first to appoint men at once to the higher grades of majors and captains: those only of the existing race who have received their commissions for good conduct in the field should be eligible.

But as the existing native commissioned officers could not be turned out of the service, the best plan would be to raise two new regiments, one cavalry and one infantry, and give the experiment a fair trial. The privates and non-commissioned officers should be drafted from old corps, together with the few commissioned officers who were qualified to mix with the native gentry, so that the new officers would not have to learn to discipline both themselves and the men at the same time. Such vacancies as occur in the existing local corps (and if all were invalided who were unfit for service, there would be a considerable clearance) should be filled up, by giving commissions to the natives of the upper classes; and a commission should only be given in the ranks for extraordinary good conduct, as in the king's service.

The pay of the new class of native commissioned officers must be higher than that of the old: an income which may be large to a man from the labouring classes, would be quite insufficient

\* This is the established complement; but sometimes a second in command is allowed.

for one of the higher ranks\*. It would also be advisable to attempt to establish some general meeting of the native officers, which would tend to keep up *esprit de corps*. A mess would be out of the question, from difference of caste; and even if this were no obstacle, a mess would not answer the end proposed, which it promotes so considerably among English officers, because the habits of the natives at their meals are so different from ours. A public room, however, furnished with a small library by Government, and appropriated to the officers, would have a very beneficial effect: the general and other orders should there, at a particular hour of the day, be read to them by the adjutant; and both that officer and the commandant should be required to visit the reading-room occasionally for a short time, and sit and talk with the native officers—which would greatly tend to promote a kindly feeling between them. If the proposed plan be found to answer (and I repeat that it will require much tact, judgment, and knowledge of the language and character of the people, on the part of the English officers to whom the carrying it into effect may be entrusted), it might ultimately be found expedient to select one or more of these corps, to the command of which natives should be eligible. One beneficial effect would certainly result from what is proposed; it would be a considerable step towards conciliating, and rendering well-affected to our Government, one class of our subjects who are now sighing for our downfall, who would be ready to join any power whom they thought capable of effecting that object, and who possess considerable influence over the people at large.

Many entertain a contemptible opinion of the local corps, and certainly in some instances they have proved of little use: but when they have had efficient English officers at their head, they have proved themselves to be little inferior to the regulars. In a campaign, they are peculiarly qualified for sharp-shooting and small detachment duty, and thus prevent harassing the troops of the line. The difference between the two descriptions of force

\* It should be recollected, that little could be made by perquisites, even if they were inclined to be dishonest, as is the case in civil employment.

is as follows :—The regiments of the line have a full complement of English field officers, captains and subalterns\* : their pay is higher (seven rupees per mensem to a private), they wear the English dress, and they are liable to be stationed in any part of India. The officers of the local infantry have been mentioned; these corps receive less pay (five and a half rupees per mensem to a private), they wear the English dress, and although liable to be sent on service to any part of India, when the campaign is over, they return to the same cantonment, which is their permanent station; consequently their huts and houses are of a much better description than those of the regulars, and they enjoy the comfort of having their families residing with them. The local cavalry are much of the same description as the Austrian hussars. Every man rides his own horse, and receives pay accordingly, (a private receives twenty rupees per month), they wear the Hindostanee dress, are always embodied, and are liable to be stationed in any part of India. They are composed of a description of men superior to those who enlist in the regular cavalry, which is on the same footing as in England : as an illustration of the difference, the former may be classed with the farmers, the latter with the labourers.

A word on the caste of men who compose our army. In the infantry, various tribes of Rajpoots form the majority, but there are many Koormees, Goojurs, Jats, Gualas, and Bramins, who all make good soldiers; there are but a small proportions of Muhammedans. There is a prejudice against Bramins, and against one class of these men, the Poojara, or member of the priesthood; it is well founded. This class often acquire considerable influence over the men, and are almost always at the bottom of every roguery and intrigue that is going on. But there is a large number of this class who may be denominated working bramins, who follow the plough, drive a cart, or pursue various other means of livelihood : these men make good soldiers. There are many castes of men who are respectable in

\* But only half the number which is allowed to a king's regiment; the sepoy being so much better behaved | than English soldiers, do not require one-tenth part of the superintendence which is necessary for the latter.

their line of life, but who never should be taken into the army, such as Bunneas, Kaits, and some others; but they never were intended for fighting. It is also impolitic enlisting men of low caste, Choomars, Sweepers, and others; many of these men would make good soldiers, but their being in a regiment disgusts those of good caste, particularly when they are promoted. It is easy to cry out that such prejudices and fancies ought not to be indulged. The day is not yet come when they can be disregarded with impunity; and any attempt forcibly to destroy such feelings will only retard the end which all must have in view, the enlightening of the people. On these points they must be led, not driven. There are, strange to say, certain provinces of which the inhabitants *en masse* are totally unfit for soldiers; it would probably be an impossibility to make a Bengalee Hindu fight, such inveterate cowards are the whole race\*.

The most inferior class of men in the British-Indian army are those of which the regular cavalry is composed. Excepting the Mahrattas, and some of the inhabitants of Rajpootana, neither of whom are our subjects, scarcely any Hindus are fit for cavalry soldiers: they do not take a pride in their horses, nor do they learn to manage them properly. If any one be inclined to doubt this, he has only to compare a regiment of regulars with one of local horse which is well commanded, and not much scattered on detached duty, and observe the inferior condition of the horses of the former. With respect to the second point, it is a notorious fact, that in single combat between one of the troopers of the line, and one of those of the native powers, the former is almost invariably vanquished, although he may be as good a swordsman as his enemy: this result is usually attributed to the inferior management of the horse by our men.

\* It has been observed, that the army with which Clive did so much was raised in Bengal: thereby inferring that it was composed of Bengalees. This is very doubtful. For years before Clive's time, the armies of the native princes of Bengal were composed of Hindostanees, and even of men from Cabool and Persia: the

demand produced a supply, and hundreds of these men were constantly going to Bengal in the hopes of service, ready to hire themselves to any one who would engage them. It is natural to suppose, that when the English were raising troops, they would select the best description, the choice being in their power.



The same result would follow were they to be tried in single combat against the men of our own local corps. The regular cavalry is furnished with English saddles, which, however well calculated for us, are quite unsuited to the natives; consequently half their attention is taken up with keeping their seat. It is true they are not often thrown, and are therefore pronounced good riders: but there is a great deal of difference between being a good rider, and merely "*sticking on*" a horse\*.

There is one class of British subjects, strong, able-bodied men, brave and high spirited, fond of horses, and constantly on horse-back, who are peculiarly well calculated for cavalry soldiers. I allude to the Puthans or Rohillahs. Yet these men are rarely enlisted into the line, and, strange to say, their very bravery and high spirit forms the obstacle. It requires tact and civility to manage them, and they are apt sometimes to return an insult, abuse, or a blow, with six inches of cold steel. The cavalry officers will not acquire the qualifications necessary to rule these men; consequently, they declare it to be impossible to induce them to enlist into the regulars, and prefer taking low caste Hindus, Kaits, Bunneas, and scampish Muhammedans, from town, who they say are quieter, and more easily managed. So the enemy find them. Some thirty or forty years ago, more pains were taken to enlist men of spirit, and our regular cavalry did then what it is doubtful if they would do now. It is true that the Rohillahs are at present averse to the regular cavalry; but this is not caused by the strict discipline, as asserted by the officers, for they freely enlist in the local corps, in which, if the officers do their duty, the discipline is just as strict as in any other. What they dislike is the system so prevalent among the English in their behaviour towards the natives: *i. e.* the haughty tone of the officers, the great distance they keep up between

\* In addition to the saddle, they have been obliged to adopt the long stirrup English military seat, borrowed by us from the Continent, which has been decried by many of the best cavalry officers, and is peculiarly unsuited to the natives. The swords with which the native regular troopers

are supplied, are so inferior to their own, that they have no confidence in them, and in action prefer using their pistols—a most *un-dragoon* practice; and one by which not half so much mischief is done to a broken enemy as would be effected by the sabre.

themselves and the men, and the chance of being abused by some English stripling, whose impatience at his own ignorance of Hindostanee makes him lose his temper. Nor is it only by the young officers that the men are abused. They also dislike the English dress. There cannot be a doubt but that, by proper treatment, the Rohilla's could be induced to enter the regular cavalry, and we should probably then see a higher spirit than is shown by the present cavalry. In fact, were the local cavalry fully officered by English gentlemen, like the regulars, they would be a far superior description of force, in spite of the disadvantage of being mounted on horses of less value\*.

On the old provincial battalions, as they have all but one been disbanded, it would hardly be worth making a remark, but for one curious circumstance. It seems generally to be allowed that these regiments were perfectly useless, and if their duties and the mode in which they were officered be considered, nothing better could have been expected. They remained permanently at the same stations, and received less pay than any class of the army, the pay of a private being 5 rupees per mensem; they were not fighting corps, were not expected to fight, and certainly would not have fought†, being reserved for guards at jails and other civil duties, where the appearance of a man in a red coat (they wore the English dress), with a musket in his hand, was the principal matter. They were condemned by every body—felt themselves to be a despised class, and had not the slightest pride in the name of a soldier. So little could they be relied on, that for several years previous to their being disbanded, an order was issued prohibiting their being employed as guards

\* 400 Rupees are paid for each horse for the regulars, by Government: the horses of the local regiments are valued at 150 rupees each; but the generality are in fact worth considerably more than that. A great many of the men keep brood-mares at their homes.

† One instance, and I believe only one, is upon record to the contrary, viz:—the Bareilly Provincial Battalion, in the insurrection at that city

many years ago, under Captain Bos-cawen behaved well. But those corps had not been long raised then, and had not reached the degradation to which they were afterwards brought by the extraordinary system of management described in the text. It would be a prudent measure to increase the number of local corps, some of which might, when a large body of troops was required on distant service, remain in our own provinces to prevent insurrection.

over treasure; for it was considered as a matter of course that they would run away should an attack be made on the treasure by banditti.

They were under little or no controul; of the two English officers to each corps, commandant and adjutant, the former was (excepting in the 1st regiment, or Calcutta militia, which corps would be a disgrace to any Government; it is the only one remaining, and is probably maintained as a curiosity) always selected from the invalids, and was usually a person in his dotage, or from gout or other disease scarcely able to move from his chair. The adjutant, although a subaltern of the line, was sometimes an invalid scarcely able to leave his chair; but if ever so smart an officer, he entertained the same contempt for these corps that every one else did, and was quite ashamed of his men; he knew that as soon as promoted to the rank of captain, he must rejoin his own corps; consequently he rarely took the slightest interest in, or trouble about, the provincial battalion, merely regarding his appointment as a comfortable little sinecure. The regiments too were so scattered in detachments on duty, that it was scarcely possible to instil into them any discipline, or prevent their acquiring bad habits. If any complaint were preferred of the ill behaviour of these men, every endeavour was usually made by the officers to slur it over without enquiry, partly to save themselves trouble, and partly to avoid encreasing the bad reputation already enjoyed by these regiments, their disbandment having been talked of for several years before it was carried into effect. The men who composed these corps were of rather a lower stamp than any others in the army—but there was not much difference. When they were disbanded, the magistrates were directed to entertain in their stead the requisite number of burkundazes (constables), with a proportion of jemadars (serjeants), and duffadars (corporals), at the usual rate of police pay (that of a constable being 4 rupees per month), to be employed as jail and office guards—a preference being given to those provincial sepoys who were willing to take service. There were but few of them who did not readily accept the offer, and in their new situation they have been much more

orderly and better behaved than they were as soldiers: the reason being that formerly when embodied in regiments, they were virtually nearly free from all controul; now they are subject to the immediate authority of the magistrates, who may punish them summarily for misconduct by fine or dismissal, or commit them for trial for more serious offences.

Having alluded to the dress of the army, it may be observed, that it was a gratuitous and useless instance of the rage for introducing English customs to make the native troops wear the English dress. They abhor it, from its being so uncomfortable to them, and the instant they are off duty, they undress themselves and put on their own country clothes; it is extremely unbecoming to them (a native in an English dress, especially if his coat be of bright colours, reminds one of the monkeys who accompany the dancing bears in England), and rendered more so by the clothes being badly made. It is more expensive, both to the state and to the individual; and by no means so suitable for service as their own. For the infantry, the *mirzae*\*, *dhotee*, and *kummurbund*, would be best calculated for comfort and service: the men can march quicker and undergo more fatigue in such a dress, and being bare-legged, which from habit they find no inconvenience, can doff their shoes, tuck up the *dhotee*, and wade through streams mid-thigh deep without a moment's delay, or wetting their clothes, and without the chance of colds and rheumatisms. Indeed, when they have a long march to perform, they generally beg to be allowed to take off their trousers. For the cavalry, the Hindostanee dress, such as worn by the local horse, is the most appropriate; and it would also be an improvement if the padded saddle of Hindostan were substituted for that of the English fashion. To view the superior

\* The *mirzae* is a jacket or short coat, which comes as low as the hips, and close up to the throat, but has no collar. It is tied on one side instead of being buttoned in the middle, but the strings are concealed. To a native it is a becoming dress. An *uniform* can as easily be made in a Hindustanee as in an English dress. The

*dhotee* is a piece of cloth wound round the waist, which hangs as low as the knee; the end is then passed between the legs, drawn up tight and tucked into the waist; giving the dress the appearance of breeches at a little distance. The *kummurbund* is the girdle for the loins of Scripture.

condition of the horses of the local corps, the better seat and management of their horses by the men, and the more becoming dress, a stranger would suppose them to be the cavalry of the line; while the regulars with their half heavy and half light dragoon dress, crowned by a cap of the shape of a pumpkin, would be taken for yeomanry rigged out in some tawdry dress, the fancy of some alderman's wife\*.

Some may be inclined to ridicule the above suggestion, and others to suppose that the natives are indifferent about the matter; but it very often happens that an apparently trifling point of this sort is thought more of than others of much greater importance. The natives are by no means singular in their attachment to their own dress: when the 42d Highlanders was first raised, the sons of the better classes, even of some of the highland gentry would enlist in that corps because it wore the highland dress; while they declined to join other regiments which had not that distinction. Were an order issued to an English regiment to adopt the Hindu costume of *dhotee* and *chudder*, a mutiny would be the probable consequence. If to yield a trifling matter will gratify any class of men who serve us, it would be wise in Government to do so, especially as the proposed Hindostanee dress possesses so many advantages over that which they now wear; being cheaper, more becoming (to the natives), and better adapted for service.

A few words may here be offered on recruiting. It is allowed that desertion has within the last ten years become more frequent than formerly, and that a deserter is rarely apprehended, which is attributed to the circumstance that the men on enlisting give false names, false residences, and sometimes even disguise their caste; the last is only done when the recruiting officer is known to have a prejudice against some particular castes. All this might be remedied by stationing detached recruiting officers in those

\* Some alterations have latterly been made in the dress of the regular cavalry. Of all absurd introductions of English customs that of giving the native troopers clumsy leather gloves is perhaps the greatest: they are so

utterly unsuited to native habits, that the men would have almost as much use of their hands, if they were tied up in bags. The thick leather gloves must be particularly comfortable in the hot weather.

parts of the country from which the soldiers are chiefly raised; for it would be impossible to deceive a man upon the spot who could make local enquiries. If a correct muster roll of name, caste, age, appearance, &c. and particularly specifying his residence and family, were sent with every man to his corps, no one could ever desert without also abandoning his home, as the police would always be on the watch to apprehend him if he made his appearance there. Many other beneficial effects would result from a correct knowledge of who the men really were\*.

A plan somewhat similar to this formerly existed. What were called Levy Regiments were entertained, each having an English commandant and adjutant with a proportion of native officers: their duty was to enlist and drill recruits, and dispatch to any corps such numbers ready trained as were required. The system was, however, almost universally condemned, and consequently abolished; it was nevertheless good in principle. It may seem presumption to offer an opinion in opposition to that of most military officers; but in such matters there is generally a cause, which, when explained, enables us to understand them. Regarding the levies, it was this: the commandants and adjutants of regiments lost their patronage; and their head servants or favourite native officers missed the perquisites which they used to receive for their good will and recommendation in procuring men service; there was also a sort of dislike on the part of the regimental officers to receiving ready drilled men, because all and each were firmly convinced that they could have trained the

\* When we consider the excellence of the service, that a sepoy can have a furlough of several months about once in five years; and that after three years' service he may demand his discharge at any time, unless his regiment were going on service, it seems extraordinary that desertions should take place. The causes are probably that the deserter has got greatly in debt to his comrades or some of the camp followers, or that he has had some private quarrel. A domestic ser-

vant, in consequence of a quarrel with another servant, will sometimes go off in a rage and never return to his service, thus losing his arrears of wages, which he would have got as well as his discharge, simply by speaking to his master. In some instances, a sepoy who has not served long enough to entitle him to his discharge, and whose turn for furlough is not yet arrived, may have pressing business at home to require his presence, which would induce him to desert.

recruits much better than the levy officers did\*. All these causes combined to persuade the officers of the line that the system of levies was bad; they continued to instil the Government with the same idea, also that it would be more economical to allow each regiment to recruit for itself. The expense of the levies was not the only objection; by enlisting great numbers at the same station the majority of course must be residents of distant places: so that it was quite as difficult for the levy officers to ascertain the correctness of the accounts given of themselves by the men, as it is now for the regimental officers. This objection would be obviated by having a single officer constantly marching about, and only enlisting men from the villages in the immediate neighbourhood of his camp, which would enable him to make every enquiry respecting them. The expense would be moderate, as the men would be dispatched to their respective regiments as soon as enlisted. Such regiments as were stationed in those provinces which chiefly supply soldiers might be allowed to recruit for themselves; and three or four active subalterns on a moderate staff salary in addition to their regimental pay and allowances, stationed in different parts of the country, would easily recruit men enough for the rest of the army.

The following hint may be useful to officers when enlisting recruits, as it may prevent their being deceived, or rather in some measure prevent attempts to that effect being made by the men. Never let it be known that you have a dislike to any particular caste or tribe; but follow the plan of a magistrate of my acquaintance. There were certain castes, and certain towns and villages in his district whose inhabitants bore a bad character, and whom he never would engage for policemen. When a man presented himself for service, he always asked his name, caste, age, family, residence, former service or employment, and other questions of

\* An amusing instance of vanity; which is also displayed by the king's officers. When an English regiment is ordered home, the men are allowed to volunteer into other corps remaining in India. There probably scarcely ever was an instance in which the

officers of these corps did not complain that the volunteers were inferior to their own men; although perhaps the regiment ordered home might be notorious for its discipline, good order, and fine appearance of the men.

various sorts to see if the man appeared intelligent. It sometimes happened that the reply to the first query showed the man to belong to one of the proscribed classes; nevertheless, the magistrate, without altering his tone, questioned him fully as usual, and at the end of it would merely remark, "I am sorry to say, that you do not appear smart enough for a policeman; I cannot engage you." To the last day of a two years' residence the natives never discovered that the magistrate had a prejudice against certain castes and classes.

Of the character of the sepoy it is needless here making any observations. Their orderly behaviour in cantonments (in which respect they are undoubtedly far superior on the whole to English troops), bravery in the field, devotion to their officers, and many other of their good qualities, have been sufficiently discussed by numerous writers, civil and military. I only wish to impress on my readers, that the sepoy is neither foreigner, nor selected from any particular superior ranks of the people of India; but that they are from the lower classes, and that whatever good qualities are attributable to the native soldiers, are only possessed by them in common with the mass of the people. The latter are indeed the superior of the two, as being unsophisticated, for while the sepoy has learned nothing good from us, military discipline excepted, their morality has been lowered by their acquiring no small portion of fraud and chicanery. It is notorious that half a battalion will do all in their power to screen one of their number from punishment; and sometimes even be ready to perjure themselves for that purpose, although the crime committed may be of the most atrocious nature, provided only it be to the injury, of any one not in the corps.

The chief characteristic attributable to discipline which distinguishes our sepoy from their citizen brethren, is the want of energy, or what is commonly called "dash." A band of undisciplined villagers will either at once rush on with fury, or at the first shot retreat out of harm's way. The disciplined native will do neither; if on the one hand, when standing on the defensive, he remains firm in his ranks, on the other, when ordered to at-



tack, he performs what is required in a comparatively apathetic manner, and certainly does not exhibit that fiery courage so conspicuous in English soldiers, or even occasionally among his own undisciplined countrymen. There are doubtless exceptions, and instances of chivalrous courage and dash on the part of our sepoys may be quoted; but as a general character, the above will probably be found correct. Their English officers are, I think, inclined to entertain too high an opinion of them.

Complaints are now common among the officers of a diminution of discipline and good order in the native army, which is usually attributed to the decreased power with which the regimental officers are entrusted. This has doubtless produced in some measure the effects complained of, but other causes have tended to the same result. Lord William Bentinck's order prohibiting flogging in the native army, unfortunately did not provide any substitute for that punishment; and the consequences may be seen in the General Orders of the 5th Feb. 1835, on a court-martial held in camp, near Joonjhnon, on the 29th Dec. 1834. Ramdeen trooper, of the 7th Light Cavalry, was found guilty of deserting from his regiment when under orders for service, and sentenced to receive 500 lashes. The orders of the Commander-in-Chief are "approved and confirmed, but remit the corporal punishment. The prisoner Ramdeen to be paid up and discharged with ignominy." Now, really this is no punishment at all; a man who acts so as to deserve ignominy is generally too callous to care about it; the discharge was just what the man wanted; and by being apprehended and tried by a court-martial, he gains his arrears of pay, which he would otherwise have lost. Such an order and mode of proceeding requires to be amended: probably the best substitute for flogging would be labour in irons as a convict.

Another reason for the laxity of discipline, is a tendency in some regimental commanding officers to overlook or hush up faults, in order to avoid bringing discredit on the corps. This is sometimes attributed to what is called an honourable pride, because a person is slow to believe that his men can have behaved

ill: the proper way of showing this honourable pride would be to make every exertion to trace and punish every instance of misconduct, and when the men find that this is the principle which really guides their officers, they will avoid giving cause of complaint. A much more satisfactory state of things than to have offences committed and hushed up from *honourable pride*. I have seen this "honourable pride" carried to such a pitch, that the most glaring cases, of which there was abundance of proof, were passed over: in one a sentry quitted his post, and in another a sepoy actually stole some articles over which he had been standing sentry: they were found secreted about his person after he had been relieved from his post. Yet so little do the generals of divisions contrive to learn of the internal state of regiments at out-stations, during their annual tour of inspection, that we sometimes see mentioned in orders the creditable circumstance that in some regiment there had not been a court-martial for a certain considerable period. If the fact were that no offence had been committed by any individual in the corps to deserve a court-martial or punishment, it would be highly praiseworthy; but to ascertain this, one must be behind the scenes: on the "*honourable pride*" system, it is easy to avoid courts-martial and gain a good name. Besides, commanding officers take different views of things, particularly in English regiments: one will in every instance of drunkenness or other offence cognizable by a court-martial, bring the offender before that tribunal: another will avoid having recourse to it, and summarily visit the offender with minor punishment, such as extra drill, stoppage of grog, and others of a similar nature. Lord Hastings did incalculable injury to the army by his lenity; he constantly remitted the punishments awarded to officers and men, English and native; and in some instances restored officers to their rank who had been dismissed for the most disgraceful transactions.

The system of overpraising or puffing has also been carried to an extraordinary absurd pitch regarding the native army. The officers seem to think that they can never sufficiently laud the *sepoys*; and there is much truth in what was observed, I believe,

by a Madras officer, "that if the Bengal sepoy do not actually run away, they are cried up as heroes." There is sometimes more puffing about the dispersion of a party of half-armed peasants by a small detachment of sepoy, or about the beating off a gang of banditti, than there would be in Europe on the defeat of a French detachment of three or four thousand men, by half the number of English troops. It is perfectly true, that in the encounter of only a few score of men on each side, there may be harder hand-to-hand fighting, and a much greater proportion killed and wounded than in a general action; but this is seldom the case, particularly in India; and after reading the most laudatory accounts of the exertions and bravery of the sepoy, we often find the total casualties amount to one or two per cent. The dispatch describing one of these petty affairs is sometimes longer than that relating to Waterloo. The average casualties of Indian warfare are but trifling compared to campaigns in Europe. As an instance of the inflated style which is so common, my readers may turn to the East India United Service Journal, in which has appeared a series of letters from certain officers describing the siege of Bhurtpoor. On the whole they are well written, and give a good account of what occurred: in one of the concluding letters, however, describing the storm, we find the following passage, "we ascended the breach under a cross fire from three batteries, while the matchlock balls fell like hail." Yet out of a detachment of two hundred men, which was under the command of the officer who penned the above, the total casualties during the whole siege was not more than seven or eight; some of which had occurred in sharp-shooting long before the assault was made. It is a very general complaint among the officers of the Indian army, that their exertions excite but little interest in England, and that Indian campaigning and fighting is too often considered in a contemptible light by military officers at home. Undoubtedly there is much truth in this, but the Indian officers may in a great measure thank themselves for it: the adoption of bombastic expressions, and the system of making mountains out of mole-hills, will throw ridicule upon any subject.

If they would make use of moderate terms, and refrain from crying up men into heroes who have merely and perhaps barely performed their duty, the exertions and merits of both officers and men would be duly appreciated\*.

*August 20, 1835.*

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No. LIX.

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VAKEELS OR NATIVE LAWYERS.

CONSTANT and great complaints are made against the native lawyers who are attached to our courts; and their inutility and roguery have furnished a fertile field for declamation. The remedy proposed by some is to abolish the class altogether, and allow all parties to plead their own causes; by others, to introduce English lawyers into the British-Indian courts. The first would be a great hardship on all men of business, and on some other classes; inasmuch as the trouble and time spent in attendance on even the best constituted court is with many a much greater inconvenience than to pay for a substitute. In some districts, regular pleaders are not allowed to attend the courts; and the consequence is, that those courts are surrounded by a much inferior set of men both in ability and honesty, called Moktar (agent), who obtain the business which would have been conducted by the regular pleaders. A certain number of these at each court is a convenience to the people; at the same time, every facility should be given to those who choose to plead their own causes. As to a host of English lawyers in each British-Indian court, with all their narrow-minded notions, and tendency to judge of everything by the standard of English law,

\* This subject is a strange anomaly altogether. We praise our sepoys for their bravery and devotion to us; we give them the superiority of discipline and weapons; they are led by English officers; with all these advantages we send them to attack an undisciplined

and half-armed force of their own countrymen, and yet if they are victorious, we praise them so extravagantly as to lead to the inference that their success was not only surprising but unexpected.

heaven avert such a curse from India ! If enlightened Englishmen, other than professional lawyers, would study the native laws and customs, as well as the regulations of Government, a bar of such men at each court would be a great benefit ; but there is little hope of the formation of such a bar while the remuneration is so moderate ; nor is there any probability of an increased profit. In one court, in which the remuneration may be considered as a fair specimen, the total sum paid to the vakeels during one year, when divided between the whole number, would give Rs.723.9.9 for each, or Rs.60.4.0 per month. The counsel who made the most during the year, received Rs.2,880, or 240 Rs. per month\*. How can it be expected that educated Englishmen would accept the situation on such prospects. In the court of Sudder Dewanee, the lawyers made higher profits ; some clever and fortunate individuals realizing, I am told, Rs. 1000 per month.

The charge of roguery has undoubtedly some foundation ; but Sir Walter Scott's observation is a most admirable one, that "as people grow civilized, law is the chimney by which the smoke escapes, which formerly circulated through the house, and put every body's eyes out : no wonder if the vent should sometimes grow foul." Lawyers are an evil, but like courts, judges, jails, and every other means of restraining the bad passions of mankind, they are a necessary evil as long as people continue to cheat and injure one another ; and, of course, in every considerable body of men, some rascals will be found ; but it is doubtful whether the proportion be greater in India than in other countries.

The accusation of inutility, and of ignorance of the suits in which they are engaged, rests upon stronger grounds ; but this fault is chargeable fully as much upon the system of civil administration as upon the native lawyers. For appointment to this situation, no previous study is requisite ; no examination is held, or questions asked. The people who are selected are of the same class as those who obtain inferior offices in the courts.

\* In round numbers, as many pounds a year.

Practically, the relations, friends, or clerks of the existing vakeels, generally succeed to the vacancies: attendance on these, and an occasional glance at the Persian copy of the Regulations deposited in the office, form the whole opportunity which they have of acquiring a knowledge of business, and of the voluminous laws enacted by our Government; for the candidates are, with scarcely an exception, too poor to purchase a copy of the laws, even if they were procurable in the native languages.

On the second point—ignorance of the merits of the cases in which they are concerned—the fault lies in the system on which the business of the courts of justice was, and in many cases still is, conducted. I beg to refer my readers to Nos. XXII. and XXXVI. of these papers, where they will find a description of the mode in which a civil suit is prepared for hearing. The following is the summary:—All the written pleadings and evidence of witnesses (for in the courts there is little *viva voce* proceeding), documents, and other papers, are filed at various times, often at some months apart from each other; the whole process formerly occupied from one to three years. When the judge, having a little leisure from magisterial duties, called for a civil suit, the clerk of the court (serishtedar) brought any that he pleased out of from two to five or six hundred which might be pending on the judge's file: the respective lawyers on each side were sent for; but in the hurried way in which the summons was delivered, they were rarely informed in what suit their presence was required. They might be engaged communing with some clients, or in attendance at the court of the register of Sudder Ameen\*, which was held in the same building; whatever business they might be about was broken off, and they hastened to the judge's office; but as the clerk had, without waiting for them, proceeded to read over the papers of the case as fast as he could, it was half read through by the time when, panting with their exertions, the lawyers had contrived to push through the crowd up to the judge's table: sometimes the case would be quite finished. At the conclusion, the judge

\* Reg. XXVII. of 1814, sec. 4, forbids the lawyers of one court to plead in another, but in practice it was often not attended to.

would probably ask one of the lawyers a question relating to the case, which he was unable to answer. How should it be otherwise? The case had, perhaps, been prepared a year ago, since which the counsel had not looked at it. If in good practice in a court where there was plenty of business, what with original suits, appeals, execution of decrees, summary and miscellaneous business, a lawyer would probably be engaged in a couple of hundred cases of all sorts. He would not be expected daily to bring to court his rough copies and notes of the papers in all these: his only answer, therefore, is a reference to the official papers before the court; and those who never look beyond the surface then declaim against the ignorance of the native lawyers even of their own causes. In some instances, I am convinced, that at the time the judge asked the question, the counsel did not even know what suit was then before the court; but he would be afraid to state this, because, as it was no fault of his, to do so would be a reflection on the judge's mode of proceeding, which the latter might perhaps resent by imposing a fine on the lawyer for disrespect. But notwithstanding all these disadvantages, some very clever, intelligent, and honest men are found among the native lawyers. Matters have somewhat amended since the introduction of the new judicial system; and if a few rules were enacted relative to permission to practice and qualifications, the native bar would soon attain a much higher place in the public estimation than it now enjoys.

The first step should be to oblige all candidates to undergo an examination regarding their knowledge of the British-Indian regulations, and such parts of the Muhammedan and Hindu law as relate to the common affairs of life, and are constantly brought into practice. They should also be required to possess a copy of the Regulations. There will not be the least occasion for introducing the English system of apprenticeship and fees. The just mode of proceeding is to allow a man to acquire his knowledge how and where he pleases. If he can pass the prescribed examination, let him enjoy the benefit. The conduct and practice of the judges must next undergo revision. Instead of allowing the cases to be "prepared" in the office, the plead-

ings, when filed, should be read over to him, after which he would direct what documents and exhibits were to be filed, and what witnesses should be summoned. This, indeed, is no more than is prescribed by the law, but hitherto pressure of business has prevented its being acted on: now, however, in those courts where the arrears are pretty well cleared off, there is no excuse for not performing the duty as it ought to be. To do so will indeed bring its own reward; for it has always been found, that the more efficiently an office was conducted, the more the business ultimately decreased\*. But in reading over the pleadings, the old system of allowing the clerk to gabble them as quickly as possible in Persian should be exploded. The counsel on each side should be required to state his case *viva voce* in Hisdostanee, so that all may understand. This would ensure his being well acquainted with the merits of the suit; and those who were not should be fined. One or two judges have adopted this plan, to the great benefit and satisfaction of the suitors, and to the great improvement in intelligence and efficiency of the vakeels; for by this mode of proceeding, the causes are more speedily decided, and the bulk of papers, as well as the expense, has been much reduced.

The rules for the remuneration of the vakeels, and the checks to misconduct enacted in our British-Indian code, are far superior to those that exist in the English law courts. The rate of fees and expenses is fixed, and a vakeel is liable to dismissal for accepting any remuneration beyond the established fees, which are rated at so much per cent. on the value of the cause of action; or for encouraging litigious suits; or for artfully giving legal opinions which may tend to encourage litigation; or for being negligent in the causes in which they are

\* At first, the result always is to increase the business. When a court is virtually a nonentity, people refrain from making complaints, but when the court is efficient, suits are rapidly preferred. In England, the lawyers boast that "the doors of the hall of justice are open to all;" to which it has been happily replied, "so are those of

the London Tavern—to those who can pay their way." In India we are more candid, and do not pretend so much. The door of the Indian halls of justice have hitherto not even been open; they only stand ajar; and, pay or no pay, he is a lucky applicant for justice who can squeeze himself through, and obtain what he wants.



engaged. An English judge would laugh at the idea of being called upon to punish a lawyer on such grounds; these being, among English lawyers, considered legitimate means of obtaining practice. Nor have we in India the double incubus of attorney and barrister; an arrangement, the sole end of which is to extort additional sums from the unfortunate suitors, for utility it has none. An attorney would very often plead a cause much better than the barrister who is employed; but he is prevented doing so under the notion of keeping up the dignity, gentility, and profits of the bar.

All candidates for the situation of vakeel should be required to possess a copy of the Regulations, or at least of such as relate to the practice of the civil courts. But there are impediments to this which it is the duty of Government to endeavour to remove. A translation of the laws is made into Persian at the expense of Government, but sufficient copies only are printed to supply their own offices; they are not to be procured by purchase; and if they were, the laws are so voluminous, and those on different heads so mixed up together, that the cost would be beyond the means of most of the candidates. It is to be hoped that the law commission and legislative council will exert themselves in their vocation; but two or three years will probably elapse before any of the result of their labours shall be given to the world; and when this is accomplished, the laws will probably be comprised within moderate bulk. In the mean time, Government should step forward. Such books as Prinsep's Abstract, Macnaghten's Hindu and Muhammedan Law, should be translated into the language of the country, and a large edition printed. The first will always, or at least for many years, be a useful book; for although recast and codified, the essence of the Regulations will be but slightly altered; and the two last are, and will be for years to come, standard works.

It may here not be out of place to caution the functionaries who are now employed in arranging a code of laws for British-India, not to attempt too much, or to be misled by the idea of preparing a code which should not for several years require any modification. To do so would unnecessarily delay the produc-

tion of the code; and, with all the care which they can take, it would perhaps be impossible to draw up a system of legal enactments, in which some small omissions should not be found. Let them also beware of attempting too great preciseness in the definition of crimes, and in the prescribed form for indictments: if they do make the attempt, a failure will be the consequence; and the result will be, the introduction of one of the great faults of English law, under which a man accused of committing a robbery on Tuesday night, is acquitted if he can prove that he did not commit the robbery until one o'clock on Wednesday.

The next point is, the language into which the translation of the laws should be made. For years they have never been rendered into the vernacular tongue; to the people, therefore, they are sealed books. But Government seem hitherto to have cared very little about the facilities which the people enjoy of acquiring a knowledge of the laws on which their lives and property depend. Even the Persian translation is rarely received in the different courts and offices until some months, sometimes not till two or three years, after the English copy. Yet it is declared that the law is to be in force from the date of the receipt of the English copy. *Vide* Cir. Orders of the Superior Court (Sudder Dewanee), date 2d January, 1824, repeated on the 7th of June, 1833. The court, too, are constantly issuing constructions of such parts of the Regulations as are obscure, which have the force of law. Some of these, indeed, although only denominated "Constructions," are, in fact, new laws, by which certain existing enactments are virtually abrogated. It is obvious that these "Constructions" ought to be made known to the people; but they have been hitherto only published in English; and, in 1825, the judge of Etawah proposed that they should be accompanied by a Persian translation for the information of the native officers and lawyers attached to the courts; to this, however, the Superior Court objected, *as neither necessary nor expedient*. (See Con. Book, No. 409. Dec. 2, 1825.)

The language in which the laws are published must of course be that in which the proceedings of the courts are conducted. And again let me urge upon Government to take a common-

sense view of the question, and to decide upon the only rational means of giving justice and satisfaction to the people, by adopting the vernacular language and character, so that the mass of the population may no longer complain that they are not only precluded from a knowledge of the laws, but that they cannot understand the proceedings of the courts. In a civil suit, a man hears his cause hurried over in a foreign language, without comprehending a syllable of what passes, until his lawyer turns round and tells him, "You have lost your suit." The poor criminal is brought up to the bar; in a foreign language is he tried; in a foreign language is he condemned; gaping with wonder and ignorance at what is going on, until, as he is hustled out of court, he receives from the sheriff the very significant intelligence that he is to be hanged !

An intimation of the intentions of Government is, in the present state of affairs, urgently required. As sufficient has been said and written about the different systems, all now wanted is a decision, whether the Persian language is to be retained, whether the English is to be introduced, or the vernacular language and character, or the vernacular language with the Persian character, or the Romanizing system; and whether, if a change be intended, it is not to be brought into force for one or more years. It is incumbent upon Government to promulgate what their ultimate decision will be regarding the system on which the proceedings of the courts shall be conducted; so as to obviate the evils of the present uncertainty, and to enable those interested to prepare themselves accordingly. Reports of what is to take place, each asserted to be on good authority, are so various, that no one knows what to anticipate. In the present uncertainty, the young civilians who have not long left college, refrain from improving their knowledge of Persian, anticipating the abolition of the use of that language; they are divided between the vernacular character and the Romanizing system, not knowing whether either will be adopted; and most of them, consequently, learn neither. If English is to be substituted for Persian, the non-intimation of this is a cruelty to hundreds of

families of very moderate means, whose sons are now studying Persian, solely as a means of livelihood, in the hopes of official employment; and who, if informed of the intended change, would devote their time to the acquisition of English. If the Romanizing system is not to be adopted, those natives who are now learning it will find that they have wasted their time, since it will be utterly useless in any business or communications with the mass of their countrymen.\* Surely there is abundant reason to induce Government to declare what their ultimate intentions are on this head.

Regulation XII. of 1833, regarding the pleaders in the court of Sudder Dewanee, contains some highly objectionable provisions. Section 3, ordains that any person desirous of practising as an authorized pleader shall submit his application to the court. If a majority of the court be in favour of it, a license shall be granted. The number of pleaders previously appointed shall not be a reason for rejecting the application.

The necessity of pleaders in the courts of justice as a convenience to the people is allowed; but there cannot be a greater curse to a country than an excess of lawyers beyond what there is fair employment for. A superabundance of the members of any other profession, or of any trade, occasions no evil to the public; but where there are more lawyers than can obtain fair employment, they are driven to endeavour to procure it by working on the bad passions of mankind, inciting people to make complaints against their neighbours, and literally prowl about seeking whom they may devour.

By the same Regulation, the office of pleader in the Superior Court, which was formerly confined to Hindus and Muhammedans, has been thrown open to all persons of whatever nation or

\* The Romanizers always speak of their favourite scheme and the promotion of English education among the natives as parts of the same system, in order to mislead people and procure support for their plan; whereas the one has no necessary connexion with the other. The deception is un-

worthy of them; and it is to be regretted that they should resort to such means; their doing so is a tolerable indication that they are aware of the small chance of success which awaits their scheme, unless enforced by Government.

religion\*. This is a liberal and praiseworthy enactment, and several Englishmen and East Indians have already taken advantage of it to obtain the situation. But there is one point which Government have overlooked, namely, the language in which these English and East Indian vakeels shall address the court. This should be, undoubtedly, the vernacular language of the country; for if the English lawyer be allowed to address the judge in his own language in favour of his client, it will be an injustice to the opposite party and his vakeel, who, not understanding one word of what is passing, will, whenever they lose their cause, complain of partiality on the part of the judge to that side of the question advocated by the English vakeel; and in many instances, will propagate accusations of corruption on the part of the judge.

*August 23, 1835.*

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No. LX.

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ON THE CONVERSION OF THE PEOPLE.

THIS is a subject which has, at various times, for many years excited much discussion, and awakened many hopes and fears, according to the views of the several parties by whom it has been considered. Some have expatiated largely on the progress that has been made, and given great promise of future success, while others have decried all attempts for the conversion of the people to Christianity, and prognosticated the downfall of our Government, if any such should meet its sanction or encouragement; a third class, again, assert the utter impossibility of success, will listen to no arguments in its favour, and treat the whole subject with ridicule and contempt; while a few, and those, too, men who have had good opportunities for forming an opinion, conceive the attendant difficulties to be by no means insurmountable, provided they be encountered with proper means, and in a right spirit.

\* The office of pleader in the district courts had already, by Regulation V. of 1831, been thrown open to all natives of India, of whatever caste or religious persuasion.

I propose, in this paper, to consider what has been done ; the obstacles which present themselves ; and the best mode in which they may be overcome.

The principal obstacles seem to be—

First,—A bigoted adherence to old customs, and dislike of change.

Second,—The laxity of the English in religious observances, which leads the majority of the natives to imagine that we have no religion.

Thirdly,—The want of any society into which new converts might be received.

Fourthly,—The injudicious conduct of some of the missionaries.

On the first head a few observations will suffice for the present, as the subject will be illustrated in detail, when I come to treat on *caste*, which I propose to do in my next number. The natives of India are certainly much attached to their own customs, and have a natural aversion to change ; but this characteristic, which is not peculiar to them, but belongs, more or less, to all old established communities, is by no means so inveterate as is usually supposed ; and where pains have been taken to rouse their attention, excite their curiosity, and demonstrate by experiment and example, the superiority of any innovation, provided this has been done by one who has acquired their respect and esteem, they have been found not only to listen with patience and interest, but often to adopt what has been proposed. On a large scale, their poverty prevents them from imitating improvements which they see among Europeans ; but in arts and mechanics they adopt spontaneously such minor inventions as are within their reach ; nor will they be less ready to listen to discussions upon learning or religion, provided these be conducted with temper and patience, by those who can express themselves in the native languages with correctness and propriety. The life of the celebrated Swartz, which has lately been published, contains abundant proofs of this: not only did this wise and good man escape almost entirely the insult and contumely which many of his brethren in the same cause have received, but his arguments against heathenism and in favour of Christianity were listened to with attention and respect.

Even the Muhammedans would visit him, and listen to his mild and persuasive mode of argument and instruction.

Complaints are made, that if a native become a convert to Christianity, not only is he considered an outcast from his family, and former connexions and associates, but is often subject to their persecution, which is frequently mentioned in proof of their bigoted and intolerant spirit, and, doubtless, with some truth; but if we impartially reflect upon the matter, is there anything in this very different from what would take place among ourselves in similar circumstances? Every one who has a sincere belief of his own religion, naturally feels sorrow that his relation or friend has quitted the faith of his fathers. In England, if a member of a Protestant family become a Roman Catholic, or even a Dissenter, it is a source of great distress and discomfort; and the family of a Catholic or Dissenter would be equally annoyed if one of its members joined the Church of England; but what would be the consequence were an Englishman to turn Muhammedan? Even among the English gentlemen in India, who as a whole are as little troubled with religious scruples as most people, he would be spoken of with contempt, and many would refuse to associate with him; were a common soldier to do so, his life would be rendered a burden to him as long as he remained in his regiment, from the taunts and insults to which he would be exposed.

The next point is perfectly notorious. The habits of the English in this country, till within the last twenty years, were, as far as religion is concerned, far below the heathen by whom they were surrounded. These, at least paid attention to their own forms and ceremonies, but the English appear to have considered themselves at liberty to throw aside all consideration on the subject; they lived, indeed, "without God in the world," as if there were neither a heaven nor a hell. Their conduct has been repeatedly alluded to by the natives, in reply to those missionaries and clergymen who have attempted to make converts among them. An old merchant once said to Swartz, "Do all Englishmen speak like you?" Swartz replied that all Europeans were not true Christians, but that there were many who not only believed but practised the faith he was recommending to them,

and who prayed sincerely for the Hindus, that they might become acquainted with Jesus Christ. "You astonish me," said he; "for, from what we daily observe and experience, we cannot but think Europeans, with but few exceptions, to be self-interested, incontinent, proud, full of illiberal contempt and prejudice against us Hindus, and even against their own religion, especially the higher classes. So, at least, I have found it with the greater number of those with whom I have had any intercourse." On one occasion Swartz met an Hindu dancing-master, and his female pupil\*, and told them that no unholy persons shall enter the kingdom of Heaven. "Alas! Sir," replied the girl, "in that case few Europeans will ever find admittance into it." Swartz himself remarks: (see Vol. I. page 195,) "It is extremely difficult, when describing our situation here, to give any one a just conception of it without adverting to the profligacy of the Europeans. The great among them aim at nothing but to live in pleasure, and to become rich. If not readily successful in the latter object, they resort to unjust means, the employment of which hardens the mind to so alarming a degree, that they will hear nothing of the word of God, and too frequently plunge into the most frightful infidelity." The son of the nuwab of the Carnatic said to him one day: (see Vol. I. page 223,) "Padree, we always regarded you Europeans as a most irreligious race of men, unacquainted even with the nature of prayer, till you came and told us you had good people among you in Europe; since you came here, indeed, we begin to think better of you." When, at a later period, Dubois explained to the people the virtues inculcated by the Christian religion, they constantly asked him, why he did not teach the Europeans, who had none of these virtues; and the same question is often put to the clergy and missionaries at the present day†.

A great improvement has certainly taken place of late years;

\* In India the only females who learn to dance are prostitutes by profession.

† The habit of neglecting all forms and observances of religion, and of practical infidelity, used to be so strong among the Anglo-English, that on returning to England, they found it diffi-

cult to change their conduct. To such a pitch was this carried, that it gave rise to an observation, which most of my readers must have heard, viz.,— "That the English Nabobs drop their religion at the Cape of Good Hope on their way out to India, and forget to take it up again on their return home."



but, though the tone of speaking and thinking on religious subjects has been raised, the practical effect of the principles which are professed is by no means so general as is commonly believed; and, though the affectation of infidelity has descended (with many other vices and follies which were formerly considered fashionable,) to the lowest ranks of society, and to scoff or sneer at religion is looked upon equally as a proof of ignorance and bad taste, I doubt whether the present generation of the Hindu-English have advanced much in the essentials of Christianity beyond their fathers. If they have ceased openly to outrage religion, they give few proofs that they have any sincere regard to its dictates. Very few attend the service of the church; and still fewer are in the habits of private prayer or reading the Bible. Too many come under Johnson's definition of infidels—or, in his own emphatic language, “they are infidels as dogs are,—they never think about it.” Shooting, billiards, and all kinds of amusements, are, by the greater part, equally pursued on Sunday as on any other day. I have heard of a military officer of high rank, who, so far from ever entering a church or attending divine service, usually spent the Sunday in cock-fighting. What must the private soldiers, who were perfectly well acquainted with the mode in which he spent his time, think on receiving an order to march to church? They indeed, are not backward at imitating the example of their superiors, having generally little sense of religion themselves. Some years ago, at a large military station, on receiving an order to attend church, several of the soldiers objected, on the ground of their being Roman Catholics, and were accordingly excused: the effect of this was to produce the professed conversion of half the regiment to the Roman Catholic faith; until an order was issued, that while the Protestants went to church, the Catholics should attend parade; upon which most of them became Protestants again, finding the fatigue of sitting in church of two evils the most endurable.

There is, indeed, little in the conduct of the English, whether the Government or individuals be concerned, which should induce the people of India to respect the religion professed by us. The Government has hitherto been one of the most extortionate and

tyrannical in *practice* (however benevolent and philanthropical may have been its *professions* and intentions,) that has ever existed in India. Money has been the object; and to realize this, justice, and the interests of the people, have been sacrificed: money is the god of individuals, who have been but too prone to tread in the steps of the supreme authority; and to such a height has the worship of Mammon<sup>†</sup> been carried, that the common language of the natives in speaking of us is, “As for the English, if you have a hungry dog you must feed him; there is nothing to be got out of an Englishman without paying him well in some way or other\*,”—to say nothing of the haughty and arrogant tone adopted towards them, tending to produce aversion, instead of conciliating their affections. Is it likely, with such sentiments towards us, and observing the almost entire neglect which we exhibit to the ordinances of our religion, that they should form a favourable opinion of that which we profess to entertain? The mass of the people, indeed, consider the English as a low tribe, who have no religion, and that to become of the same persuasion with ourselves, they have only to throw off the trammels of caste, to drink wine, not forgetting occasionally to get drunk, and eat beef or pork.

But, besides that the general conduct of the English has not hitherto tended to beget a favourable opinion of their religion in the eyes of the natives, persecution both negative and positive, from the English government, from individuals, and from his own countrymen, is what the native who becomes a convert to Christianity has too often been exposed to; Government have expressly excluded a native Christian from all official employment, excepting clerks who are employed to write English. It is expressly declared by law, that every situation open to natives shall be filled either by a Hindu or a Moosulman<sup>†</sup>. The ostensible reason was this; that, as the higher offices in the administration of the affairs of the country were usurped by the English, justice demanded that those which we did not occupy should be reserved for the

\* To “get what they can out of the natives” is an established phrase with many of the English gentlemen; and is not unfrequently the avowed object of any civilities which they condescend to pay to the native gentry.

† See Reg. XXVII. of 1814, for the office of vakeel (lawyer), and XXIII. of 1814 for that of moonsiff (judge of a minor court)

natives of India: but this was not the true reason: the law did not result from any real solicitude for the benefit of our subjects; for there was no prohibition against the employment of any foreign Asiatic, provided he were a Hindu or a Muhammedan, and several Afghans and Persians have been occasionally employed; had the professed reason been the real one, it would have been much more simple to enact, that the offices should be open to natives of our own provinces, or of India; such a law was not necessary to satisfy any prejudice of the people, for, on such a point, they had none: they had been accustomed to all sorts of masters, and, for two or three centuries past, no native chief would have hesitated in employing a Parsee, a Jew, a Chinese Tartar, or a Christian of any denomination, whether European or Asiatic, on account of their religious persuasions. The *real* object of the law was, to prevent the East Indians from obtaining any employment. This class of men had been debarred from the privilege of being considered Europeans, and were ranked with the natives; to have opened the offices to natives, would have included the East Indians; and to have expressly excluded this class would have been too invidious; it was, therefore, managed by declaring the offices open only to either Hindus or Moosulmans, the East Indians being all Christians, and affecting European manners. I cannot help having some suspicion, that the exclusion of native Christians was also purposely intended; the reason being the same in both cases, that these people would form a connecting link between the English and the other classes of natives, to whom they would be the means of imparting knowledge, and thus render them less submissive to the oppressive government which we had imposed upon them.

But, worse than this has yet to be recorded. A few years ago (I think it was when Sir Edward Paget was commander-in-chief), a havildar (sergeant) of high caste in one of the regiments of the line became a convert to Christianity, under the influence of Mr. Fisher, the clergyman at Meerut. Two of the sepoys, who appear to have had the ear of the commanding officer, and to have led him by the nose, went to him and asserted that the circumstance was exciting a great ferment in the corps; that many of

the men declared they would leave it; and much more to the same effect; all which was a tissue of falsehoods. The reply of the commanding officer should have been to this effect:—"You are hired by Christians, to serve Christians, and are commanded by Christians; and yet you presume to insult me by saying that because this man has become a convert to my religion, his presence is so disagreeable to you, that you think of leaving the regiment: if you wish it, your discharge shall be immediately made out." Had the officer acted thus, not another word would have been said. Conversions of Hindu soldiers of the highest rank to Muhammedanism are of frequent occurrence\*, which occasion no ferments, no threats to leave the corps; but are tolerated with the utmost patience and resignation by their own class. Why is this?—Because a convert to Islam finds a society ready to receive him, who possess strong religious feelings, and who will protect him, and resent any outrage, insult, or even annoyance which might be offered to him. When a Hindu becomes a convert to Christianity, he finds himself an outcast, despised by both sects; while the English in general have so little sense of religion, that they patiently submit to be wantonly insulted, and allow themselves to hear, from a native of the lowest rank, that when a man professes their religion he becomes so great an outcast, that it is degrading to be in the same regiment with him! But the sequel remains. The commanding officer represented the matter to the commander-in-chief; and, after some sort of pretended inquiry, the result was, that the *Christian convert was dismissed the service*†!!! The most disgraceful act to be found in the annals of the British-Indian government!—but, alas! Religion, it is to be feared, would weigh but a feather in the balance, compared with a shilling of revenue, or an hour's trouble. To view it in no other light, the patient submission to wanton insult, both by the regimental commandant and the commander-in-chief, is almost beyond comprehension; and, doubtless, had it been on any other subject but that of religion would have been properly resented. My readers may possibly doubt the truth of this

\* The cause usually is, their having had connexion with Moosulman pros- titutes.

† The havildar was permitted to draw an allowance from Government for his subsistence.

anecdote; there are, however, many individuals still in India, besides the records of the Adjutant-General's office, to attest its accuracy.

Some years ago, the Government of Bombay declined, for a considerable period, to erect a church at one of their stations, for fear of annoying the prejudices of the people; thus not only, to their disgrace be it said, showing how little they cared about religion, but evincing a want of knowledge of the native character on this point. The religious feelings of both Hindus and Moosulmans are such, that the more those of any other creed attend to their own religious doctrines and ceremonies, the more will they be really respected by the mass of the people of India; although a few bigots may affect to make an outcry, merely for the pleasure of insulting us, seeing how tamely we submit to such insult, when religion only is concerned.

The want of any society into which they may be received and countenanced, is a great drawback to the conversion of the natives to Christianity: they are outcasts from their own class, and excepting the soldiers, there is no English population with which the lower orders of natives can associate; and they are generally treated with contumely, and despised by the English gentry. Should a native Christian present himself before an Englishman and announce his faith, soliciting employment, the reply he often receives is a sneer, and an observation something to this effect: "So you have turned Christian? What did you get from the padre as the price of your conversion? I suppose you have learnt to eat beef and get drunk, and I shall find you stealing my wine; get off to the padre who converted you, I want no rascally native Christians in my service."

The small intercourse which takes place between natives of rank and the English gentlemen, and the reasons which circumscribe it, have already been alluded to in more than one of these papers. The conduct of the converts themselves, too, is often very absurd and injudicious, and brings upon them much of the annoyance of which they complain. Many of them have an idea that, by becoming Christians, they are placed on an equality with Englishmen: but finding no class of their own comparative

rank, with whom they could associate, they attempt to carry this notion into practice towards English gentlemen. I have seen a native Christian, not long after his conversion, approach his former master with a familiar smirk, accosting him with "How do?" (the only English he had learned,) instead of treating him in his usual respectful manner. This sort of conduct is very common among them. Some of them imagine that, after becoming Christians, they are to be provided for; or, at least, that, if obliged to work, they should only be employed as teachers, or in some higher sphere than that in which they have been accustomed to labour; and, sooner than exert themselves for a maintenance, they will travel about the country, with a Bible in one hand and a petition in the other, soliciting charity.

The fourth cause is, the injudicious conduct of some of the missionaries. To these gentlemen I am willing to allow the best intentions, and many of them possess considerable ability; but some of them have come to India, abounding with zeal, but with little knowledge or discretion to regulate it. Their imaginations have been excited by the descriptions given at religious public meetings, or by reading the communications which are received, from time to time, from the different foreign missions to the Societies in England. It might almost seem as if, in certain instances, they had a general idea of all heathen nations, as a set of half-wild savages, to whom they had only to preach a few sermons, under the shade of trees, and immediate conversion would be the result. The notions of India, of those of whom I speak, are vague in the extreme. They know little of the history of the country; its customs, manners, or peculiar modes of faith. They have heard of the East India Company, and of the mild and paternal government which it exercises towards the people: they have had no means of learning the true state of the case, or the conduct which has excited so much prejudice against the English, their government, and religion, in the native mind. They seldom wait to make themselves acquainted with the language and habits of the country, but are eager to set to work as soon as possible, preaching and discussing the highest mysteries of our religion to those to whom alone they have immediate

access,—the peasants and villagers,—poor ignorant men, who never thought of anything beyond their daily wants, and performing certain ceremonies which they have been taught, without ever puzzling themselves to ascertain their meaning; when they meet with a man of education, they are quite at a loss, from inability to express themselves with propriety in the language.

There never, perhaps, was a more praiseworthy individual than Mr. Judson, who spent so many years in the Burmese territories, at Rangoon. But had he persevered in the mode in which he at first set out, instead of adopting, as he afterwards did, more judicious conduct, he would have merely been considered insane. I allude to his practice, on his first arrival, of seating himself by the side of the road leading to the great pagoda, and addressing the people in the words of the prophet Isaiah: “Ho! every one that thirsteth,” &c. (see chap. lv. ver. 1.) The beautiful and figurative language of Scripture, and the meaning of the text, must have been quite incomprehensible to the Burmese, who would only take it literally, and conclude that the individual who was addressing them had lost his senses. It is doubtful if the lower classes of English would understand it better, without an explanation. Some missionaries, again, pursue a much more reprehensible course; they begin by openly reviling the people and their religion, telling them they are all doomed to everlasting perdition, that the men are all villains, and the women unchaste. Not many years since, a missionary who was acting in this manner, at the Hurdwar fair, was pelted by the people. The missionaries of the present day, I am willing to hope, are acting with more sense, judgment, and Christian charity; and, though the effects of their labours may not be immediately apparent, there can be no doubt that very great success, in some points, has attended their exertions, and that, by establishing schools, they are paving the way for bringing the people of India within the pale of true religion.

Little, however, I fear can be expected from the existing race, in the way of real conversion. The grand means must be the education of the rising generation; the establishment of schools, and the translation of books into the vernacular language and

character, ought to be the primary object. Nor should these be confined to works of a religious nature; but the selection should include books of instruction, and even amusement. History geography, elementary works on arts and sciences, would be extremely acceptable to the people; and the acquisition of knowledge would be the first step towards throwing aside their absurd system of idolatry. That the missionaries themselves should learn to speak the languages of the country with correctness and propriety, is indispensable.

Much might be done by the clergy of the Established Church. At large stations, where there are many English troops, their time is much occupied by the duties among the European population, in visiting the sick in the hospitals, in weekly lectures, and a variety of other occupations; still, amidst all this labour, there are many who might, and a few who do, find leisure for the superintendence of native schools. At some of the smaller stations, the clergymen have scarcely any duty to perform except the weekly service. Some of these gentlemen exhibit a very laudable anxiety to benefit the natives; while others, I regret to say, appear wholly indifferent on the subject, and, if invited to exertion, excuse themselves on the plea that their duties lie among the Christian population, and that they have nothing to do with the heathens. It is remarkable that, generally speaking, those clergymen who have the hardest work in their own immediate sphere, are those that exert themselves most for the benefit of the people. It would be highly expedient if a knowledge of Hindostanee were an indispensable requisite to the appointment of a chaplain to a district; and that the superintendence of a native school should constitute a part of their regular work, in all those stations where the duties among the Christian population are not too heavy to allow it, which school it is the duty of Government to establish without delay.

I do not apprehend the slightest fear of any excitement being created among the people, by any endeavours either to diffuse education among them, or convert them to Christianity, provided they be made with temper and judgment. They would hail any assistance in the way of education with the greatest joy; and



whatever was done for them by Government would conciliate their affection, and diminish their dislike to the British rule. Even direct attempts at conversion, by individuals, if accompanied with delicacy and mildness of argument, so far from offending them, would only raise us in their estimation, as affording evidence that we were sincere in the belief of our own religion; particularly if our conduct were consistent with our professions, and our practice proved the efficacy of our faith. Those missionaries and clergy who are good linguists, who treat the people with civility and consideration, and who argue with temper and forbearance, are highly respected by the people. Mr. T., at Delhi, is one of this character. I have seen him at the Hurdwar fair, surrounded by natives from all parts of India, both of our own and of foreign territories, and was quite surprised and delighted to observe the respect with which he was treated. Instead of making him the salutation which is usual to a temporal superior, the greater number, on approaching him, performed the *dandwut* (mode of salutation to a Brahmin). Some of the established clergy, who have pursued the proper means to attain this end, have been equally respected by them. It would, perhaps, be a prudent precaution to prohibit any direct attempts at conversion, in the schools established by Government, nor should the study of religious works be compulsory as school books. Such books should, however, be placed within their reach, for all who chose to consult them. There would be no necessity to extend this prohibition to the schools established by missionaries or private individuals with their own funds, nor should any check be given to the attempts at conversion made by those gentlemen: there is not much fear, in the present day, of their running into extravagances which formerly were too common; if they do, they will lose, instead of gaining ground. They may be safely left to their own discretion, and all that is required from Government is non-interference either way, not to be ashamed of acknowledging that the English have a religion, and, above all things, not to persecute those natives who become converts to that which we profess.

It is probable that a more judicious selection of books on

religious subjects might be made than has hitherto been done, but I am not sufficiently acquainted with the books in use, or with the system of instruction pursued, to speak positively on this point. Small compendiums of our faith, in the form of catechisms, appear to me to be more likely to be useful than an indiscriminate distribution of the Holy Scriptures. Could some of Mrs. Hannah More's tracts (particularly her beautiful and inimitable expositions of the Ten Commandments in that entitled "The Two Wealthy Farmers,") be adapted to Indian ideas, I should think they would be found extremely useful. The whole of her tracts of this description are so true to nature, so amusing, and, without its being directly perceived, inculcate so much instruction and genuine religious feeling, that they would, perhaps, be better suited to the natives than almost any book in the English language. They have been, I understand, translated into Cingalese, under the superintendence of Sir Alexander Johnston. They are, however, so thoroughly English, that it would require considerable tact and a free translation to suit them to the ideas of the natives of India.

As to the prospect of immediate success, that will, humanly speaking, be probably small, for many years yet to come. It may be doubted whether there have been many instances of sincere conversion among adults,—of that conversion, I mean, which induces a man entirely to renounce his former errors and vices, and lead a moral and religious life. The chief human means which are likely to be effectual, are, first, to let them see, by our own example, that we really believe and practise what we preach; secondly, to educate the rising generation; and thirdly, the formation of a class into which they can be received, and prevent their being outcasts from the rest of society: if these means were properly exerted, very considerable effects would, probably, result in the course of a few years. The prejudices of the people in many points connected with their religious caste, or superstitions, have been greatly weakened of late years; a spirit of inquiry is at work among them; and several, even farmers and others who live at a considerable distance from any English station, have, of late years, spontaneously visited the clergy and

missionaries, for the purpose of asking questions regarding our faith, desirous of knowing whether we really have any, and if so, in what it consists. When education and new ideas shall have been more generally diffused among them, they will not fail to perceive the hollowness and absurdity of their system of idolatry, as they already feel its inability to give any peace or satisfaction to the conscience; and should some Hindu Constantine arise, in the person of a Rajah, or some man of influence to lead the way, it is probable that he would be followed by the conversion of the people, *en masse*. In the mean time, the clergy and missionaries should not be too particular in granting admission to the rite of baptism to those who desire it. It sows the seed, for even if the adult be no better than he was before, he must, for consistency's sake, allow his children to be brought up in the new faith which he has voluntarily adopted: this, at least, should be made a test, and those who refuse to consent to it, should not be admitted within the pale of Christianity. It should also be impressed, beforehand, on the adults, that, by becoming Christians, they were not to expect to be supported in idleness, or, as a matter of course, to be raised to a higher rank in life, unless their abilities qualify them for advancement; but must continue to work for their subsistence in that state of life in which it has pleased God to call them.

Such, at least, is my idea of the mode in which this most desirable event will be effected in the Almighty's good time; nor, provided the proper means be applied as above suggested, do I think that it is so distant as is generally imagined. I believe there is a very general feeling among the people that some great crisis is at hand in their religious polity; and that the common belief is, that Hinduism will be supplanted by Christianity\*. Although

\* After a disturbance, some years ago, at Benares, between the Hindus and Muhammedans, during which the compliments usual on such occasions had been exchanged,—viz., the sprinkling the temples with cows' blood by the Muhammedans, and the throwing slaughtered hogs into the mosques by the Hindus,—two Bralmin sepoys were on guard near a famous pillar dedicated to Sheeva, which had been thrown down in the riot:—"Ah," said one of them, "we have seen that which *we* never thought to see. Sheeva's shaft has its head even with the ground; we shall all be of one caste shortly; what will be our religion then?" "I suppose the Christian," answered the other. "I suppose so too," rejoined the first, "for after all that is past I am sure we shall

few, there are some striking instances of what has been effected by individuals of tact and judgment. The labours and success of Swartz are known to all. At Bettiah, north of Chuprah, there existed some years ago a considerable native Christian community, the members of which had been converted by an Italian who lived there many years, and had gained the respect of all classes of the people of that part. By his own congregation, for he bore the title of bishop, he was looked up to as a father, and he had inculcated such sound principles among them, that the Christian converts were far more industrious, as well as more moral, than their heathen neighbours, and were consequently much better off in worldly comforts. The aged pastor has been dead now some years, and of the fate of his congregation I have little intelligence. With regard to the Muhammedan part of the population, though in some respects they are much less bigoted and intolerant than the Hindus, and entertain much more liberal ideas, it is probable that their conversion to Christianity will be much more difficult than that of the other class. Wherever there is a mixture of truth with error, it is much more difficult to eradicate a system, than where fraud and falsehood alone support it; when once the latter are detected, the fabric falls of itself, but where fundamental truths have been associated with falsehood, it is extremely difficult to separate the component parts. The Muhammedans entertain strange feelings on these points; they despise the Hindus as idolaters; but they dislike the Christians, not so much because we believe in Jesus Christ, whom they themselves allow to have been an inspired person, but because we will not believe in their apostle Muhammed.

Before I conclude this paper, I must beg leave to offer a few

never turn Moosulmans." (See Heber's Journal.) This pillar was a beautiful shaft of one stone, forty feet high, and covered with exquisite carving. A tradition and prophecy concerning it has long been current among the people, that it was formerly twice as high, was gradually sinking into the ground, and that when its summit should be level with the earth, all nations were to be one caste, and the

religion of Brahma to have an end. There are various traditions and prophecies current among the people in all parts of the country, all indicating a time when the Brahminical creed shall be thrown aside, and all nations be of one caste. One is, that the sanctity of Hurdwar will cease in about sixty-four years from the present time, after which pilgrimages will no longer be made there.

hints to some of the missionaries. For some years it was a common practice of many of those in India to talk of the hardships of their situation ; the sacrifices they had made in leaving their family, friends, and native land, their privations and labours in a foreign and unhealthy climate, were largely descanted on, thus creating very erroneous impressions upon people in England. Now I believe, for the most part, that those who come to India as missionaries, are far better off in income, situation of life, and general comfort, than they would have been in England,—very few, indeed, of them are from the rank of gentlemen, and have chosen the profession as much, some of them, from a distaste to trade, agriculture, and other inferior modes of life, to which they would otherwise have been destined, as from a real devotion to the cause. In India, they are to a certain degree raised to the rank of gentlemen, and have an English society in which they can mix. They enjoy many more external and worldly comforts than they could have obtained at home: their labour is infinitely less than it would have been in England, and far below what is undergone by almost every one in the civil department of the Indian government, English or native, covenanted or uncovenanted ; and as to climate, provided people will take proper care and precaution, that of India is not, on the whole, more uncongenial to the English constitution than that of our native country. There are, doubtless, some exceptions, and some noble instances of relinquishment of a higher rank of life and better prospects at home, from zeal and devotion to the cause of the heathen world ; but, I believe that the above is a true statement of the case, generally speaking. In other parts of the world, such as South Africa, Burmah, &c., it may be different ; the privations and hardships which are described as attendant on the missionary life in those countries are probably not exaggerated.

The clergy of the Church of England, too, will not, I think, refuse to allow that their situation has, with few exceptions, been improved by their appointment to India. Those who had the prospect of preferment at home certainly would not willingly have exchanged it for an Indian life, but the greater part of those who have come to India would, had they remained in England, have

been working hard as tutors or curates upon a salary of 100%. or 150%. a year at most. Let those who are disposed to repine at their lot, look back upon the life of labour and privation which, in spite of all that is now advanced by the enemies of the Church of England, is the lot of by far the greater number of her members at home, and fairly one, compared with which, as far as worldly advantages go, the life of a chaplain of the East India Company affords a very tolerable share of comfort and enjoyments.

In this point, however, the clergy and missionaries are by no means singular. There is, among a large number of the English in India, particularly among the civil and military services, a ridiculous affectation of the grandee system, and an attempt to persuade others that they were great people at home. Often may men be heard prating about how they wish they had never come to India; how they have sacrificed themselves and their prospects by so doing, &c., &c., whereas it is notorious that full half of the individuals who compose the civil and military services in India, are better off, both in regard to their standing in society, and the incomes they possess, than they ever would have been in England. Those of the lowest origin usually give themselves the greatest airs. This affectation is, however, now on the wane; men have begun to find out that no one believes their pretensions.

*August 30th, 1835.*

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## No. LXI.

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### ON CASTE.

THIS is a wide subject,—difficult to be understood even by those who have mixed much among the people, and gradually acquired their knowledge, as it were, *piecemeal*; and there are few subjects concerning which so many erroneous notions prevail. It would be out of the question to attempt to give, in the limits of a paper such as this, a complete account of caste, and of the effects which have resulted from its institution; all I propose to do is, to offer a few remarks, the result of many years' observation.

As has been more than once remarked, if all the English in

India would do this, instead of speculating and theorizing on partial information, we should soon possess materials for composing a work containing much more accurate knowledge relative to India, its people, and customs, than any which at present exists. Let me refer to No. XXXIV., which describes the various nations into which the Indian Peninsula is divided, and alludes to the difference in their manners and customs, and in many cases in their language; and should a resident of the Madras or Bombay Presidencies ever cast his eye on this paper, and be ready to exclaim at its want of accuracy, let him recollect that the observations are the result of a residence in Bengal, and chiefly in the upper provinces of that presidency.

The *caste* is a division of the Hindus into four principal classes, —Brahmin, Kshutriya or commonly Chuttree, Voishya or commonly Bais, and Shoodra or Soodur. According to the sacred books, the Brahmins were produced from the mouth of the deity Brahma, the Kshutriya from his arms, the Voishyas from his thighs, and the Shoodras from his feet. According to which allegory, the Hindus have assigned the priesthood and work of legislation to the Brahmins; the Kshutriyas fill the executive departments, and are also the military tribe; the Voishyas were to be employed in trade and commerce; while the Shoodras were devoted to all kinds of servile employments, and especially to serve the Brahmins. It is at the present day impossible to discover the origin of this division, and the time when it was instituted. It bears some affinity to the Roman classification of patricians and plebeians, and was probably established by the arbitrary order of some powerful prince, after the people had made considerable advances towards civilization; for it could hardly have existed in a very rude state of society. The people attribute it, as they are apt to do most things of which they can give no account, to the gods\*.

But the caste of the present day is very different from what is

\* Ward seems to think that the system did not originate with a monarch, because he would not have placed the regal power beneath that of the priesthood. But the influence

which the Brahmins did obtain was probably gradually acquired by cunning, intrigue, and working on the superstitions of their countrymen.

above described. The second and third orders do not now exist as separate classes; the very names are unknown as conveying the original meaning, and the people are all comprised in two classes,—the Brahmin and the Shoodur; at the same time that thousands are hardly acquainted with the latter name. The castes now existing are very numerous, and, with the subdivisions, would probably amount to some hundreds in the Bengal Presidency alone, almost every district containing some which are not known in the adjoining province. Many of these owe their separation from the original sect and specific denomination to mere accident; the latter is not unfrequently derived from the province or parish in which a man who has left his original name has settled. Some have arisen from ancestors who had forfeited their original caste and established a new one; others from the illegitimate offspring of parents of different castes. The origin of that immense class, the Rajpoots of Rajwara or Rajpootana, who claim a descent from the sun, is nowhere provided for in the theoretical classification by the Brahmins; they would be extremely indignant to be denominated Shoodras, yet they certainly do not belong to any of the three first orders. Col. Tod endeavours to trace their origin from Scythia.

Formerly, exclusion from caste was a much more serious affair than it is now. Still it is probable, that the evils which a person suffered from loss of caste have been greatly exaggerated; and that he who forms his ideas of the misery of an excommunicated outcast from the description given in Southey's *Curse of Kehama*, will have a very erroneous notion of the real state of the case. Caste is partly a religious and partly a civil distinction, and, in the present day, among the people in general, has degenerated to little more than this, that if a man do certain things he is excluded from society until he give a feast to those of his own tribe, which procures his restoration. According to the shasters (see Ward, Vol. I., page 149):—"The offences by which caste is lost, are, the eating with persons of inferior caste; cohabiting with women of low caste; eating flesh\*, or drinking spirits; partaking of that

\* Yet these same shasters prescribe | It is also considered allowable for  
various kinds of flesh to be sacrificed as | Hindus to eat what has been offered  
offerings to the manes of ancestors. | to an idol, flesh included.



which has been prepared by a person of an inferior order ; dealing in things prohibited by the shasters, as cow-skins, fish, &c. Persons may sink lower in caste in cases where they do not become entire outcasts. A Brahmin, by officiating as priest to a Shoodra, does not become a Shoodra, but he sinks into a despised order of Brahmins."

But there is an infinity of petty absurdities which, among some of the people, chiefly amongst the lowest classes, and especially among the servants of the English in Calcutta, are sufficient to make a set exclude one of their members from their mess,—the sole object being to exact a dinner from him ; in this respect the lower classes of Muhammedans of Bengal have just as much caste as the Hindus ; many of them even worship at Hindu temples.

It has often been said that the institution of caste is one of the greatest scourges of the country ; that it dooms large classes of men to a mental and bodily degradation, in which they are forever excluded from the learning and honours of the country ; and that it has proved a bar to improvement in arts and sciences. To a certain extent, its effects may have had the injurious effect described, but infinitely less than is usually supposed. It is generally conceived that the caste ties a man down to follow his father's business : this is a most erroneous idea. Most men do commonly follow the occupation to which they have been brought up ; it is grown into a custom, and in fact is but the natural course where a father bequeaths his business to his son ; but it involves no obligation to do so. In England it is not uncommon for a clergyman, a lawyer, or a soldier, to educate his sons for his own profession ; the business of tradesmen and shopkeepers, is almost always carried on by one of the sons during his father's life-time, and continued by him after his death. So it is in India. It is true that the priesthood is the portion of the Brahmins, but even to this there are exceptions, and in other classes there is a considerable latitude. There is nothing, for instance, to prevent a common shopkeeper (*bunnea*), from rising up to be a wealthy merchant, should his affairs prosper ; and, on the other hand, the family of a once rich merchant will sometimes sink down into the situation of servants. Even a *choomar* or a *mater* (currier and

sweeper), instead of contenting himself with the menial offices to which he was born, will, if he be an aspiring character, seek and obtain a situation in the police or the army, and may rise to high rank. I have known a choomar to be a commissioned officer. So among bunneas, cowherds, gardeners, ploughmen, boatmen, common day-labourers, and others, may be constantly found one brother pursuing his hereditary vocation, and another entering the army, or hiring himself as a domestic servant. I have seen a bunnea who, having failed as a shopkeeper, hired himself as a boatman; and among the crew of one boat consisting of ten men, were actually found the following variety of castes:—two Rajpoots, four Kuhars, one Kisan, one Goojur, one Bhat, and only one regular mullah, or boatman by profession\*.

There are other circumstances besides the caste, which I am inclined to think have had a much greater effect in throwing difficulties in the way of the lower orders, and preventing able and intelligent individuals among them from rising in the scale of society. Their poverty, and the circumstance that the business of a large portion of India has, for several centuries, been carried on in a foreign language, for the acquisition of which the lower classes have neither time nor means, must have operated very strongly.

It would be almost a hopeless attempt to define, within any exact limits, the institution of caste, or its practical operation, so as to give a clear and accurate idea of the subject: its influence is so extensive, so minute, and so intricate, as almost to defy generalization: all that can be done is to endeavour to describe, as far as one's knowledge extends, its peculiarities in detail, both what it is, and what it is not. None of the works yet written on the subject convey any clear idea of it; the authors have almost all fallen into the same mistake that Government has done, regarding the Hindu law. They have given us a picture drawn

\* It is as impossible to translate these names of castes into English, as it would be to find terms in Hindostanee to denote a Protestant, a Socinian, a Baptist, &c.; it may, however, be observed, that a Bhat is a bard, who

usually claims the privilege of being a hanger-on upon great men to sing their praises; there are also village bards, and wandering bards in some parts of India.

from the Hindu shasters, and the representations of a few bigoted pundits. Now few things can bear less resemblance to each other, than these dicta and the customs which exist in practice. From the former we learn that the Shoodras are made for the service of the Brahmins, and that they are never to rise in the scale of society; yet, in practice and reality, there is nothing to prevent a Shoodra from rising to the highest rank or wealth. There have been many instances of men of the lowest ranks attaining even to sovereignty, nor did they owe their exaltation to the assistance of the English or Muhammedans, who might be supposed free from such prejudices. The Mahratta rajahs, most of whom are of very low caste, fought their way to their respective thrones against the Muhammedans, and at a period when the English were only known as foreign merchants at some of the sea-ports.

Again we are told that (see Ward, Vol. I., page 66.) “A Brahmin might be imprisoned, banished, or have his head shaved, but could not be put to death for any crime whatsoever. If a Shoodra assumed the Brahminical thread, he was to be severely fined. If he gave frequent molestation to a Brahmin, he was to be put to death. If a Shoodra committed adultery with the wife of a Brahmin, he was to be bound upon a hot iron plate, and burnt to death. If a Brahmin stole a Shoodra, he was to be fined; but if a Shoodra stole a Brahmin, he was to be burnt to death. If a Shoodra sat on the carpet of a Brahmin, the magistrate, having branded him, was to banish him the kingdom. If a Shoodra, through pride, spat upon a Brahmin, his lips were to be cut off. If a person of this caste plucked a Brahmin by the hair, or by the beard, or seized him by the neck, the magistrate was to cut off both his hands. If he listened to reproaches against a Brahmin, hot lead was to be poured into his ears. If a Shoodra beat a magistrate, he was to have an iron spit run through him, and to be roasted alive; a Brahmin for such an offence was to be fined. The Institutes of Munoo prescribe that ‘a once-born man (that is, any other than a Brahmin) who insults the twice-born (Brahmins) with gross invectives, ought to have his tongue slit; if he mention their names and classes

with contumely, as if he say, "O thou refuse of Brahmins," an iron style, ten fingers long, shall be thrust red-hot into his mouth. Should he, through pride, give instructions to the priests concerning their duty, let the king order some hot oil to be poured into his mouth and ears\*.'"

All this is horrible enough, certainly, and abundance of similar dogmas are to be found in the Hindu sacred books, were it, or had it been ever enforced. It is impossible to say it *never* was; but the probability is that, at most, it might have occurred once in a century, under the dominion of some very bigoted prince, ruled by some still more bigoted Brahmin. These sort of dicta exist not in the present day; nor have they been, perhaps, for centuries, held in any more estimation, terror, or respect, practically, than the bulls or anathemas issued by Pope Gregory the Seventh are at this moment in England. It is true they are part of Hindu law, and Ward has, with his usual prejudice and illiberality towards the Hindus, published those above, and many others, together with his own comments, in which he has exaggerated the evil as much as possible, so as to give an impression that they are at this moment the practical law of the land. That the above cruel penalties should form part of the Hindu law is not surprising, when we consider that Hindu law is nothing but a collection of dogmas, written at various times, by different individuals among the Brahmins, who each wrote what he pleased from the dictates of his own bigoted, ignorant, and intolerant spirit; but whether, and to what extent, they were ever enforced, is a very different question.

So far from its being the truth that the Shoodras are condemned for ever to serve the Brahmins, it depends much less upon caste than upon the wealth of the parties, which shall serve the other. The low caste rajah never found even the Brahmin at all backward to enter his service; and were even a choomar or a sweeper to acquire considerable wealth, he would experience no difficulty in procuring Brahmins to serve him as lacqueys, cooks, or in other menial capacities. We learn from books

\* The punishments are even more severe than are here described; some passages are omitted from the quotations on the score of decency.

that to a Brahmin the very touch of a Shoodra is pollution, and that he must immediately purify himself by bathing; what is it in practice? The English are regarded upon a par with the very lowest natives in point of caste, yet a Brahmin servant in the service of an Englishman will not hesitate to bring him his shoes, or a glass of water, or even to take the glass away after he has drunk from it. I have myself seen in attendance upon an Englishman as valets-de-chambre, instead of bearers, a Brahmin, a Rajpoot, a Gosain, and a Moosulman, all of whom performed all the services which usually fall to bearers, except carrying the palanquin. It is much more among the lower castes that difficulties are started than among the higher, just as one sees a man whose rank in society among us is established, least afraid of having it called in question. I have been entertained and have passed the night at the house of a Brahmin who prepared a dinner for me: to my infinite surprise, when the meal was served in his own dishes, I observed a fowl-curry. I expressed my regret that he should, out of civility, have done anything disagreeable or annoying to his peculiarities of caste; observing that I could have dined very well upon bread and vegetables. He smiled, and said, "These absurdities are very well for the ignorant low castes to make a fuss about, but any man of sense knows that a little sand and water purifies metal dishes from any stain." Certainly the lower castes are much more tenacious on the subject of their caste than the higher: a low caste man, if asked for a draught of water from his lotah (a brass pot), will often refuse; a Rajpoot or Brahmin will not only consent, but, to show his respect, will often scour it first, and then fill and present it, as I have often experienced in travelling about. I grant, that a poor man of low caste might not meet with these civilities, which only more strongly illustrates the observation that wealth has as much influence as caste.

The chief criterion of caste, *i. e.*, whether one man is of higher or lower rank than another, is the eating dressed food, and the forming a matrimonial alliance between families. All undressed food, even fruit, is pure, from whatever hands it may come; and even to dressed food there are exceptions to the rule. In some

parts of India a man will eat bread cooked by another from whose hands he would not touch boiled rice, nor would any native hesitate in sending a person of much lower caste than himself to buy and bring him ready-made pastry and sweetmeats, although the touch of the same person would be considered to pollute any other kind of dressed food. In the Punjab, they will only allow two castes, the *Hulwae* and *Kuhar*, to superintend the boiling of the sugar; in our provinces they are indifferent about the matter, and employ almost any one for this purpose. In fact, the contradictions and peculiarities of caste are so great in practice, that it is impossible to deduce any rule regarding it founded upon a general principle.

The worst feature of caste is its tendency to obstruct benevolent feelings. Ward observes (see Vol. I., page 145):—"But not only is the caste contrary to every principle of justice and policy, it is repugnant to every feeling of benevolence. The social circle is almost invariably composed of persons of the same caste, to the careful exclusion of others. It arms one class of men against another; it gives rise to the greatest degree of pride and apathy. It forms a sufficient excuse for not doing an act of benevolence towards another, that he is not of the same caste; nay, a man dying with thirst will not accept of a cooling draught of water from the hands or the cup of a person of a lower caste."

There is, undoubtedly, at first sight, some truth in this; still it is much more in appearance than in reality attributable to the institution in question. The caste is made the excuse for the selfishness, covetousness, indolence, or apathy of the individual. Ward observes, a little farther on (Vol. I., page 146):—"In short, the caste murders all the social and benevolent feelings; and shuts up the heart of man against man in a manner unknown even amongst the most savage tribes. The apathy of the Hindus has been noticed by all who are acquainted with their character: when a boat sinks in a storm on the Ganges, and persons are seen floating or sinking all around, the Hindus in those boats which may remain by the side of the river, or in those passing by at the time, look on with perfect indifference, perhaps without moving an oar for the rescue of those who are actually perishing."

Yet, in such a case, the people who are drowning are, in most cases, of the very same caste as those who are looking on with apathy, without exerting themselves to render any assistance; probably their acquaintances, with whom they are in daily communication. On the other hand, Hindus, who are charitably inclined, will attend others of different caste in sickness, or even wait upon a Moosulman. Many English have found their native servants, of all sects, the most careful nurses in sickness that could be procured; had it been contrary to their caste, the circumstance of their being servants would not have produced such an effect.

Caste is said to form a bar to conversion, because a man thereby becomes an outcast from all his former friends and relations: but it is not so much attributable to caste, as to the general dislike and prejudice which is felt by every nation and class of people against one of their number who renounces the religion of his fathers, which they still profess, and becomes a convert to another, as I endeavoured to illustrate in the preceding Number. But it is only to a certain extent that the convert becomes an outcast; his relations will not eat with him, but if he be well received among his new sect, and be as well off in the world as before, they will not hesitate to associate with him, as some facts, which will presently be mentioned, sufficiently demonstrate. By the Hindu law, and, in practice at least, by the Muhammedan law, a man who becomes a convert to any other religion, forfeits his share of the family property. It would be expedient to alter the law on this head, so as to allow free-will upon the point of religion and conversion.

Caste is fully as much a civil as a religious distinction, and we have some arbitrary rules in English society which approximate very nearly to that institution among the natives of India. It is constantly urged against these, that respectability of character weighs nothing when put in competition with caste, and that a man would forfeit his caste who should be found eating with one of a lower class, although the latter may be an excellent and virtuous man. Have we nothing similar to this? If a gentleman

were to be found associating with tradesmen, giving and receiving entertainments from them, would he be able to keep his place among his own class? would he not be excluded from the society of the latter, because he kept what would be called "low company?" If a commissioned officer in the army were to do so, he would be dismissed the service, although he himself might possibly be the son of a tradesman. In such a case, even his old acquaintances and friends must be given up, upon receiving the talismanic commission. The fact is, that in all countries the necessity of keeping up a distinction of ranks is found indispensable, and, to effect this, lines must be drawn which cannot be passed with impunity. Notwithstanding all the prating of demagogues, democrats, and mob-orators, no nation would gain anything by having the whole population on an equality in social intercourse. The "I'm as good as you," and "Jack and Tom" system, never leads to anything but vulgarity and coarseness.

There is, no doubt, intricacy in drawing the line properly, and certain peculiarities appertaining to it are not easily understood by the uninitiated. For instance, an officer in a shop, feels thirsty, and asks the tradesman for a glass of ale or water. If the officer drink it in the shop, this is not considered an impropriety; but if he were to go into the back room to drink his beverage, and sit down on one chair, while the tradesman seated himself on another, he would come under the ban, and forfeit his caste, or, in plain English, be turned out of the army. *We* understand the distinction, but it would, probably, be impossible to make any native of India comprehend it, because he has not the turn of thought necessary to enable him to do so. He would probably say, "If the officer may quench his thirst in the tradesman's house, what possible difference can it make whether in one room or the other, sitting down or standing up?" This is precisely the same with us, in our attempts to understand many of the peculiarities of the native customs. We have not the train of thought and association of ideas requisite; and we, in equal astonishment, ask, "If you will eat bread prepared by that man, what possible difference can it make to eat boiled rice which he



has cooked?"—or, "If you let such a person touch the prepared pastry which you are about to eat, how can his touch render impure another sort of food?" But caste it is said destroys all social feelings,—we have something analogous to quote in illustration. In the —th regiment, now in India, there are, or were not long ago, two brothers, one a commissioned officer, the other in the ranks: should these be found dining together, the former would be liable to be dismissed the service, although the rule would not, probably, be pushed to such an extreme. The commissioned officer was himself formerly in the ranks, and, of course, lived in social intercourse with his brother, which, by the strict rules of the service, he must renounce on receiving his commission. What are all these peculiarities which govern the intercourse of the different ranks and classes with one another among us, but caste? Yet, although they may have some portion of evil, they are found beneficial on the whole, and society would be worse, were they abolished.

We are ready enough to taunt the Hindus with the iniquitous anomalies of their rules of caste, according to which a man may be guilty of theft and perjury, or other crime, with impunity; but if he should be found eating with a virtuous friend, he becomes an outcast. We forget how very similar our own customs are. A man may seduce his friend's wife or sister, and follow it up by murdering his friend, without losing his place in society: a few, who would consequently be considered particular, might withdraw their countenance from him, to make up for which, some would admire the *eclat* he had brought upon himself; while the majority would receive him as if nothing had happened. Yet the same man would soon be excluded from society, should he be found associating with a tradesman, although the latter may be a most respectable, well-informed man! Well may the poor abused Hindus say to us, "Look at home."

Much of caste is, as I have observed, a mere civil distinction, and, in minor points, is no more than exists in every country. It is founded on self-consequence, and a desire to exalt ourselves a little higher in the scale of the society in which we move, and this is also much the same in all countries. Complaints are

often made, especially by new comers, that the native servants each perform only one particular duty, and refuse to assist in any others, urging that it is against their caste; and comparisons are drawn between them and the English servant, who will do anything he is bid to do. As to caste, the natives merely urge that as an excuse, because they think it more likely to meet with attention; what they mean is, "It is not my business." A little consideration will show us a very tolerable parallel between India and England on this subject.

If my readers will observe the *ménage* of a native, or even of an Englishman, in India, whose income is so moderate as only to allow him to keep two or three servants, he will find that they perform nearly as great a variety of services as any domestic at home. But even there, it is only in families similarly situated in society that these "servants of all work" are to be found. The English in India have chosen to adopt the style of noblemen and men of large fortune in England: almost every man chooses to have his butler, (*khansamah*,) two or three table attendants, head valet, messengers, &c., &c.; not that the individuals employed are at all qualified for these situations; it is only the dignity of the name, for which the masters are obliged to pay accordingly. Among the young members of the civil service, during their residence at college, whose salary is about three hundred a year, may be found many who pay twenty pounds of that sum annually to a clerk to keep their accounts; it being below their dignity to do it for themselves.

It is among the establishments of men of rank and fortune in England that the parallel to this must be sought. Where a butler, under-butler, two or three footmen, valet, coachman, groom, stable-boy, house-keeper, lady's-maid, head-nurse, with two or three nursery-maids, upper and lower house-maid, laundress, cook, kitchen-maid, scullion, &c., are retained, there is just as much caste, in this respect, as there is among the native servants. Try the experiment: order the butler to stand behind the carriage; the powdered footman to sweep the stable; the coachman to clean the horses; the lady's-maid to sweep the room; the upper house-maid to scrub the fire-grate; the cook to

wash the dishes, &c., &c.,—there is not one who would not leave his or her situation, or, in the cant phrase, *part with* their masters, rather than comply, simply because it “*was not their place*,” that is, beneath their notions of dignity. There was a book published not long ago, said to be written by a retired butler and housekeeper, called “The Complete Servant,” in which the exact work which every different description of servant was to perform was specified, and which would have wonderfully enlightened the eyes of those in India who are so fond of dilating upon the universal genius and capacity of English servants, as to the *little* that was to be expected from them. The natives of India are not fonder of trouble than other people, and will gladly shift off all they can upon the shoulders of others; and wherever the ignorance, folly, or indolence of their masters allow them to establish these arbitrary rules and customs, (which, of course, they have greater opportunities of doing at Calcutta than anywhere else, from the frequency of newly-arrived persons, who are ignorant of the customs of the people,) they will take their full advantage of it. I have known a bearer, when told to carry a bottle of wine or brandy, object that its touch would defile him. That same man would willingly have drunk the brandy, could he have done so without fear of detection\*. On the contrary, should an Englishman be sent to a retired part of the country, to live by himself, and hire men of that neighbourhood who have never before been in European service, with few exceptions, any one will do whatever he is ordered. No sooner, however, does this Englishman rejoin his countrymen, than these very men will speedily adopt the airs of the other servants. The tribe of Kaits have a very absurd and strange prejudice against keeping a shop. They will submit to accept the poorest description of personal service, rather than join as a partner in the wealthiest shop in India. Yet not one, at least of all to whom I have

\* Once when a bearer was desired to carry a note, he replied, it was not his business, as he was hired to carry the palanquin. “Very well, get the palanquin ready,” said the master, for which the whole set of half-a-dozen

men were obliged to turn out: the note was deposited in the palanquin, and thus conveyed to its destination. The gentleman’s notes were carried readily enough afterwards.

spoken on the subject, and many have I questioned, can give a reason for such a custom or prejudice.

That the strictness of caste is wearing away, is, however, certainly the fact. It is generally supposed, that while in Bengal Proper they are more particular in regard to the point of *food*, in the Upper Provinces they attach most importance to that of *marriage*. Yet there are some extraordinary circumstances daily occurring, which tend to show that these matters are of much less importance than we imagine, and that the prospect of temporal advantages will soothe the degradation of loss of caste. In the Doab, between the Ganges and Jumna, from Allahabad to the hills, and in the Oude territory, the population is chiefly a tribe of Rajpoots, who, however, rarely use this name, but call themselves by that of Thakoor (literally, Chieftains). There are also many in Rohilkund. This tribe contains many subdivisions, the caste of each of which is considered more or less pure; and, in seeking for a wife for his son, a man usually attempts to procure one from a family of a higher degree of purity than his own, which is effected without much difficulty by paying a considerable sum of money to the bride's father, or by otherwise promoting his worldly interests. It is very common for these Thakoors to have children by concubines of various low castes, not even excluding Muhammedan prostitutes. These are brought up as Hindus along with the legitimate children of their father, intermarry with others whose birth is the same, and often share the property. They are, of course, considered as of inferior caste, and the whole-bred Thakoors will not eat with them; but that is all the distinction. In some instances, however, after two or three generations, they contrive to intermarry with those in whom there is no stain, and, having thus formed a party, gradually insinuate themselves, as it were, to whole caste.

One most extraordinary instance was brought to my notice. A Thakoor, named Byree Lall, had three sons by a Moosulmanee prostitute. He died about sixteen years ago, when the eldest was about nine years old. The mother, who retained all her own customs and tenets, remained in the house as head of the family, and managed all the agricultural concerns; but brought up the

three children as Hindus, and they have succeeded to their father's share of the land, without any demur on the part of the other members of the family\*. In another instance, a Hindu of the Kait caste had two legitimate sons, and a third by a Moosulmanee prostitute; when about to die, he divided his property among the three, giving, however, a much less portion to the illegitimate son than to the other two. These brought an action in the civil court to dispute the division; but it was upheld by the court, which decision was confirmed by the *Sudder Dewanee*†. The late *Dowlut Row Sindia*, was of low caste, a *Gureria*, (a tribe of shepherds,) yet he found no difficulty in persuading a high caste *Rajpoot* of *Rajwara* to give him his daughter in marriage. The *Baisa Bhâe*, (the same who has attracted so much attention of late,) strictly speaking, must have lost caste by her marriage with a *Gureria*, but, so far from becoming an outcast from her family, the intercourse was maintained just as if she had married an equal, and her brother, *Hindu Rao*, accompanied her to *Gwalior*, where he held a high post in the army. A still stronger instance is that of a high caste *Rajpootanee*, who lived with an English gentleman, as his mistress; she also kept up a familiar intercourse with her relations, and once or twice visited them, whilst they constantly visited her in the most open manner; they would not eat with her, but that was the only distinction. Between *Hindu Rao* and his sister, I do not believe that even this was preserved.

This latitude is carried to a much greater extent in regard to the *Sikhs*, or *Sings*. These are followers of *Baba Nanuk*, who, some centuries ago, founded the sect, into which he admitted converts of all denominations. The chief tenets are the worship of God, the renunciation of idolatry, abolition of caste, and attention to the precepts of a book compiled by the teachers,

\* My readers may think this so extraordinary that it must be a mistake. I therefore mention the man's residence, to enable any one who chooses to satisfy himself. The family reside in the village of *Bunna-derah* in the district of *Furrukhabad*.

† Had the deceased left the property in this way by will, it would have been invalid, and the natural son would not have received any share; by writing a deed of gift just as he was dying, the partition was valid. Such are the absurdities of Hindu law.

called the *Adi Grunth*. They were at first called *Sikh* (disciple), and were a peaceable sect, until persecuted, on which *Gooroo Govind*, their tenth high-priest, changed their names to *Singh* (lion), and invited them to resist oppression, and become a warlike people. They ultimately grew into a nation, and obtained possession of the whole of the *Punjab*, but were divided into a multitude of petty principalities without any recognised head. As a remedy for this, on any occasion where the general safety was endangered, a grand council, called a *Gooroomata*, was assembled to deliberate, at which all were required to eat together: as the *Sikhs* include every tribe of *Hindus*, and many *Muhammedans*, caste must, of course, have been annihilated. Yet these people are gradually now sliding back into *Hinduism*, and again adopting the peculiarities of caste. A *Sikh*, the descendant of a *Brahmin*, will no more eat with one whose ancestors were of low caste, than a *Hindu Brahmin* will with a sweeper. So strong is this feeling becoming, that it would probably prevent the assembly of the *Gooroomata*, should such be attempted: yet outcasts, as all *Sikhs* must, strictly speaking, be, many tribes of *Hindus*, even of the higher castes, such as *Rajpoots*, intermarry with them.

These, and numerous instances of a similar nature, might be quoted, completely disproving the notion that persons who have forfeited their caste become such outcasts that even their parents dare not speak to them, except by stealth,—as asserted by *Ward*.

There is also a great deal of very convenient latitude on the subject of caste. If a man can persuade a considerable number to join him, he will do a great many things which he dared not have been guilty of alone. Strictly speaking, the *Hindu sepoys* who have gone on foreign expeditions by sea, have all lost caste; but who dare tell them so? They form too strong a party for any one to presume to hint at it, much less *act* upon the idea. On service, they make no scruple of drinking from a *Bhceestee's* (*Muhammedan* water-carrier) leathern water-bag, which they would never do on ordinary occasions:—sometimes they will even go further. During the attack of a fort on a hot day, two officers had procured a large earthen pot, full of water, out of

which they had just drunk. At that moment a sepoy came by, crying out for water: one of the officers offered him the pot; and on his demurring at first, observed, laughing, "All's fair on service; you may get a bullet through your head next minute and what will be your caste then? quench your thirst, and make yourself comfortable while you can." The man grinned, and took a hearty draught. A strong instance in which caste and prejudice are thrown aside, when there is an object in view, occurred some years ago at the temple of Juggernaut. It used to be pronounced that the entrance of any unclean person would destroy the sanctity of the holy place, and would bring dire evils upon the country: yet, in spite of all this, a British officer who was much beloved and respected by his men, having expressed a wish to see the interior of the temple, a party of his sepoys took him in disguise as one of themselves\*. This also exhibits the natural good feelings of the natives; and affords an additional proof of the influence a foreigner whose conduct is such as to deserve it, may acquire over them. It was afterwards well known; but as to the defilement of the temple, the Brahmins had sense enough to say nothing about it, as it might have diminished the presentation of offerings; so they quietly submitted to what had occurred, rather than ruin their trade.

A curious circumstance is mentioned by Sir J. Malcolm in a letter to Lord William Bentinck, dated the 27th of November, 1830. In 1818, a low caste private in one of the Bengal regiments was promoted: several Brahmins, disgusted at this, took their discharge. One of these men enlisted in the 8th Bombay Native Infantry, where Captain M'Donald met him, and asked, how he who had left his corps because a low caste man was promoted, could submit to serve under a Jew Subadar (captain), a Purwarie Jemadar (licutenant), and other low caste officers? The man replied, "In Hindostan it is the pride of caste; in Bombay, that of the corps,"—or, in plain English, When I am among men who care little about caste I am indifferent about it myself. I have repeatedly asked natives how they make up their minds to serve the English, whom they consider on a par

\* The late Major Carter.

with their lowest castes, when they object to be under the authority of low caste natives, such as sweepers, &c.? The replies have been variously worded, but the meaning has always been, "The sweeper is poor, you English are rich, and the lords of the country."

The custom of antrijali, that is, of taking people who are supposed to be at the point of death, to the river-side, stuffing their ears and noses with mud, and leaving them to perish, is not only not sanctioned by the shasters, but is only practised in Bengal, and held in abomination by the people of other parts.

Indeed, it has already been observed, that while some dogmas of the shasters are neglected, many customs, some even of those most rooted in the minds of the people, have grown up, as it were, by accident. The ceremonies of the Ruth Jatra, Churruk Poojah, infanticide, plurality of husbands to one wife, and many others of more or less consequence, which were alluded to and described in No. XXXIV., have no origin in the shasters. We all know the veneration in which the monkey is held by the Hindus, and many of my readers will recollect the melancholy occurrence when two officers were drowned in attempting to cross the Jumna, in order to avoid the fury of a mob which was preparing to attack them in consequence of their shooting these animals at Bindrabund. Yet, I have, on two occasions, seen a Goorkah Rajpoot shoot a monkey, in each instance out of revenge because the animal had carried away the man's dinner. When I have been talking to the people about the depredations committed by the wild monkeys on their corn and vegetables, they have repeatedly said, "We are Hindus, and cannot injure the animals, but we should be very glad if you would shoot them for us."

Between the Hindus and Muhammedans, the usual exchange of compliments on the occasion of a serious quarrel, is, for the former to slaughter hogs and throw them into the mosques, while the latter kill cows, and pour their blood into the wells and tanks. Of course, these reservoirs are rendered impure beyond redemption? By no means; for it would be very troublesome to send a mile or two for water; so the matter is settled by pouring a little cow's urine into the tanks and wells, which restores their purity.

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So easily is caste set aside, when the convenience of the people themselves is concerned.

But the following are much stronger instances: the majority of the Bengalees do not eat meat, which cannot be ascribed to a compliance with the injunction against destroying life, since almost all will eat fish whenever they can procure it. The shasters do not prohibit the use of flesh; so far from it, they prescribe several sorts of flesh to be sacrificed for offerings to the manes of ancestors, yet, the habit of refraining from meat, which most probably originated in the poverty of the people, has now become so inveterate, that I have been assured by eye-witnesses, that in the great famine in Bengal in 1770, many died of starvation, who could have procured meat, if they would have eaten it.

By way of distinction from the Muhammedans, the mode of killing animals for food among the Hindus is, by cutting off the head with a sabre at one blow; but about Saharunpoor, there is a tribe of bearers, who will only eat meat that has been made "Hullal," or lawful, that is, killed by a Moosulman butcher, who repeats a short prayer at the time of cutting the animal's throat. This can only have arisen from accident probably, (there being a considerable Muhammedan population at that town,) because they were unable to procure meat except from a Moosulman butcher; and what must have been at first a violation of their prejudices, has become so confirmed by habit, that they continue it in preference to returning to the orthodox Hindu custom.

Another remarkable case is the fact of Hindus making offerings at the tomb of a Muhammedan saint. At Muckunpoor, about half-way between Khanpoor and Furrukhabad, is the tomb of Shekh Bujioodeen, commonly called Mudar Saheb, at which periodical festivals are held, which are attended much more by the Hindus than the Moosulmans, particularly by the Mahrattas. Had the man been originally a Hindu who became a convert to Islam, particularly if he had been forcibly made a convert, there would be some sort of reason; but, so far from this, he was originally a *Jew*, who became a Muhammedan, and finally a saint; and the priests in charge of the tomb, who receive the offerings, are all of that religion. The present race merely follow

existing custom; but how the Hindus originally began to worship at this Muhammedan saint's tomb, it is impossible even to guess; I never met with any native, of either tribe, who could give an account of it. In some parts of the country, the Hindus will take a part in the Muhammedan festival of the Mohurram, and join the procession, firing their matchlocks, &c., while the chorus of the chaunting of the procession is,

Hindu ke cheh  
Moosulman ke jeh,

that is, Down with the Hindus—the Moosulmans for ever.

Some of the minor points on which they affect to be particular, are very absurd. Some will take medicine in powder which they can mix and drink themselves, but object to take it prepared. At many places, our kitchen servants agree among themselves to eat such dishes as come from our tables untouched, but not those which have been partly eaten.

A set of bearers, after a hard day's work, will thankfully accept an unopened bottle of brandy, but will often object to receive one from which any portion has been drunk by an Englishman. The most whimsical distinction is, perhaps, to be found among the Rohilla soldiers who enlist in the cavalry of the native powers: these men will submit to be flogged within an inch of their lives with a leathern martingale, but to be struck with a whip or a cane would be an indelible disgrace, and very likely be resented by a stab or a bullet. By humouring the people, or having recourse to a little trickery, which, nevertheless, they perfectly well see through, objections may often be overcome. Carpenters will sometimes object to touch a *grease* pot, and ask for oil to use with their tools: only call it a *butter* pot, and fill it with butter the first time, the humbug will still continue, and no demur will be made to the use of it, although the men themselves carry it to the kitchen to be replenished when empty, and perfectly well know that it is filled with any sort of fat which may happen to be there. These sort of petty absurdities of caste are much stronger among the low than among those of higher castes: they are much more attended to in Bengal, where the people are a far inferior race, than in the Western Provinces. I

observe, for instance, that one cause of dislike which the natives have to the proposed fever hospital in Calcutta is, the fear that Hindus and Moosulmans would be placed in the same ward ! Such an objection would never have been dreamed of in Upper India, provided their food be kept distinct. In some of the Madras provinces, the small peculiarities are preserved even more strongly than in Bengal; yet, it is strange, that Swartz and the missionaries of his time met with much greater success in conversion there, than has attended the efforts which have been made on this side of India.

The loss of caste is, as is above observed, a much less serious matter than is generally supposed; generally speaking, it is nothing more than this,—that if a man do certain things, his relations and friends refuse to eat with him, until he gives a grand entertainment, after which he is received on his former footing. This, however, is not always successful, and instances might be quoted where several hundred thousands of rupees have been expended in vain. When this is the case, it is rarely because the offence which has been committed is considered too great to be atoned for, but usually the result of some personal pique or malice on the part of some members of the tribe. There are, however, instances on the other side: a man who had committed incest with his sister was declared to have forfeited his caste, and never could regain it, from the horror with which this crime was regarded. Among the common people, the whole business is as childish as that of school-boys, where, for some nonsense, one is sent to Coventry one day, and, after distributing a shilling's worth of nuts or plums, is on the next restored to favour: from ten to twenty rupees is sufficient to restore a man of the lower classes to his caste.

The facility with which it is accomplished depends much on the degree of friendship which exists between the individual and the influential members of his tribe; if he can form a tolerable party in his favour he is easily restored, even though he may have been rendered unclean in the highest degree. A man of low caste once imposed himself on a native officer in the Sirmoor battalion, who had left his home many years, as his son, and was received and treated as such for several months before the imposture was discovered. At first, there was a great uproar, but it

was soon discovered, that about half the corps had lost their caste, either by eating with the impostor himself, or with those who had taken food with him ; but the party was too strong for the others to make much opposition, and it was soon arranged, that by simply bathing in a sacred tank, all uncleanness would be washed away. A still stronger and more curious instance occurred in the Himalayan mountains. A leopard had killed a calf and a goat close together : the owner of the animals, on being apprized of it, thinking he might, at any rate, derive from his loss the benefit of a good supper, went in the dusk to get some of the goat's flesh ; but the carcasses had been so torn limb from limb, (most probably by the foxes, for a tiger or a leopard merely eats what he requires, and leaves the rest uninjured—I have more than once, in wandering through the jungle, procured a dinner for myself and half my camp off the carcase of a fine deer which had been just killed by a tiger or a leopard,) and mixed together, that by mistake he cut the flesh from the calf, and took it home, when it was dressed and eaten by all his family : next morning, when he and some others visited the carcasses to bring away the remainder of the goat's flesh, they discovered his mistake ; but, having friends to support him, he was allowed to regain his caste on making a pilgrimage. In another instance, a lad, who, in driving a calf away from some grain, unfortunately struck it on the head and killed it, was restored to his caste on as easy terms.

In certain instances, the individual is prevented from regaining his former station by the malice of some few of the tribe ; sometimes this is the sole cause of his being declared to have forfeited his caste ; and this is probably one of those occurrences, in attempting to interpose with which, we should find them an "ungovernable people," as Dubois describes them. Yet, repeatedly have these cases been interfered with by the public authorities. In some of the magistrates' courts, a complaint is occasionally preferred by an individual, that the members of his tribe have declared him to have forfeited his caste without sufficient reason : or, that having done so, all had agreed to restore him except one person, who persisted in his refusal only out of spite. In such com-

plaints, should the forfeiting of the caste have arisen from some petty absurdity, the usual plan was, to fine the refractory party, which generally induced them, for fear of another fine, to adjust matters to the satisfaction of the complainant. On one occasion, however, in a remote district, where a spiteful attempt was made to deprive a man of his caste, on a false charge of adultery, the party proved very refractory; paid several heavy fines; but still held out in their refusal to restore the complainant. At this time the magistrate before whom the case was pending, received a visit from an independent Rajah, of high caste; he took the opportunity of mentioning the circumstance, and asked the Rajah what his decision would be in a similar case: the Rajah replied, "I should merely collect the heads of the tribe together, with the accused individual with his lotah\* full of water, and give them the option of drinking a little of it voluntarily, or of having water poured down their throats by a sweeper." The magistrate did so. The refractory party held a meeting, and restored the injured individual to his caste without delay.

The institution of caste has some beneficial effects, although Ward, with his usual prejudice against everything of native origin, represents it as one of unmixed evil. The causes he mentions which entail a forfeiture of caste, are all of a frivolous nature; and though he does not go so far as to say that morality has nothing to do with it, he carefully avoids telling the whole truth on the subject. Instances in every province may be found, of men excluded from caste for some immorality of which they have been guilty: I grant, that it is much more frequently caused by some trifling matter, and that the institution of caste has produced on the whole much more evil than good; still, when we are discussing the subject, it is but fair to show both sides of the picture. The loss of caste in the present day is, in fact, a much less important matter than the publications drawn from the sacred books and Brahminical dogmas would lead us to believe. Some rare instances there are of men, whose strong sense of shame rendered existence more painful than death, and who, accordingly, committed suicide; but numbers live just as

\* A brass pot.

happily as if nothing had happened, and maintain just the same social intercourse with those around them; with the sole exception of not eating together. The descendants of a man thus situated, adopting some specific denomination, become a new subdivision: nineteen-twentieths of the present enormous number of castes have, without doubt, been formed in this way. Some treat the matter with the greatest indifference: on one occasion a poor man, a carpenter, had been turned out of caste, but his tribe offered to restore him, if he would give an entertainment which was to cost twenty rupees; he replied, "Such a sum is more than the matter is worth," and, in order to belong to some sect, turned Muhammedan.

A few remarks on conversion to Hinduism will conclude the present discussions. The anomaly on this head is very great: in theory, the Hindu religion does not admit of converts:—in practice it does. In theory, all the world are considered to have been originally Hindus, and that the Christians, Jews, Muhammedans, and other sects, have become outcasts, by neglecting the proper ceremonies, and adopting others; and that they now cannot again be received within the pale; but in practice, it is quite different. The Lodhas, the Mahrattas, the Goojars, and various other tribes, have gradually slid into a sort of Hinduism, by adopting the customs and ceremonies, and employing Brahmins as priests. The Goorkhas, who, strictly speaking, originally were of no caste, on the conquest of Kumoun and other provinces, where, among some of the people, caste is rigidly adhered to, adopted the Hindu practices and notions, and have contrived to get themselves included within the pale; some of them being actually considered on a par with Rajpoots, and other high castes among the Hindus. In the Himalayah, there is a tribe of Bhotecas who have also done so, and these are the remnant of a Muhammedan body of troops, who, in Timour's invasion of Hindostan, were sent under one of his atabegs [(chiefs) to conquer Kumoun. This governor ruled there for about twenty years, but being unsupported, his party were gradually forced to retreat into the province they now occupy, situated within the line of the snowy peaks, upon one of the passes into Chinese Tartary. No

Englishman would find any difficulty in procuring a Brahmin to perform worship on his account, and to serve him as a family priest; and I am convinced that any tribe, even English or Muhammedan, might, by adopting the same means, in the course of time become a sort of Hindu, and be recognised as such: their specific appellation would be "Moslem Hindu," and "Foringhee Hindu." True, few other castes would eat with them, but that is nothing against the above observations, since, among the orthodox Hindus, there are many castes none of whom will eat with any other. There is a curious circumstance connected with conversion to be found among a large number of Muhammedans in Saharunpoor. The ancestors of these men were Rajpoots, and were converted about three centuries ago: they have intermarried with the Puthans, or Rohillas, and in personal appearance bear a striking resemblance to these; yet, to this day, they pride themselves on their Rajpoot origin, and if one of them were pledging himself to any service of difficulty or danger, he would say, "I am the descendant of a Rajpoot,—I will not deceive you, or fail to do my utmost."

The above remarks are thrown together in a desultory manner, for the subject is one which it is difficult to treat with method or regularity; the institution of caste, as it exists in practice, is so full of absurdities and contradictions, that it is impossible to deduce any rules founded on a general principle; and I have only given the result of several years' practical observation, without attempting to arrange the data in any connected form. There can be no doubt that caste is gradually losing the influence it once held over the people of India; and, although it has, upon the whole, been productive of more evil than good, its sudden abolition, supposing this were practicable, would be by no means beneficial, as it would remove one check before another was imposed. It will gradually die away as the people become more educated and enlightened, and it is probable that much good might be effected by a judicious interference on the part of the official functionaries in the mode above mentioned. The institution of caste, in itself, whatever may be imagined, forms but a very small bar against conversion to Christianity; the

example of Baba Nanuk, who converted sufficient numbers to form a nation, sufficiently proves this, although one of the fundamental tenets of the Sikhs was the destruction of all caste; and when attempts to induce the natives to adopt the Christian religion are properly conducted, it may reasonably be expected, under the Divine blessing, that the result will be very different from what has hitherto been the case.

*September 5th, 1835.*

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## No. LXII.

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### INTERCOURSE BETWEEN THE ENGLISH AND THE NATIVES.

Two papers, Nos. X. and XL., have already been devoted to this subject; but as its importance will form a sufficient excuse, I shall make no apology for offering the following additional and concluding observations to the notice of my readers.

The great object is to bring the two classes into closer intercourse, and thereby enable them to know a little more of each other; the want of which knowledge is the cause of so much evil. Generally speaking, we know so little of the habits, feelings, and sentiments of the people, that even those who are really anxious to promote their welfare, are often quite at a loss how to make the attempt: a more familiar intercourse would, in a considerable degree, remedy all this, and it should be the more particularly urged on the young men who successively arrive in India in the service of Government; first, because they are but temporary sojourners in this country, and are often, within a short time after leaving college, placed in situations of trust and responsibility; secondly, because during the first two or three years of their residence, they will have much more leisure to devote to this object than they ever will enjoy afterwards: and, thirdly, as first impressions are so difficult to eradicate, it is important that their opinions of the people should be drawn from intercourse with the respectable classes, instead of, as is so often the case at present, being formed from observations of the conduct of the worst part of the community.



With respect to official intercourse, it has already been suggested that Government should place it beyond individual caprice. The propriety of allowing the officers of the courts and offices to sit down when employed in their duties, has also been alluded to; and it would be expedient to lay down a rule for the mode of address to natives who hold respectable situations. Surishtehdars, nazirs, vakeels, and others, are usually addressed by the English functionaries by their plain names, without those affixes of civility which answer to our Mr. in English. It would be considered a piece of extreme haughtiness (or else an improper familiarity), were a judge of the Supreme Court to address the keeper of the records, master in equity, clerk of the crown, sheriff, and other officers, by their plain surnames, as if they were so many servants; or, when the presence of one of the counsel were required, who chanced at the moment to be absent, if he were to say to the court-crier, "Call Jack Thomson the lawyer, his cause is coming on." Yet this is the mode of address usually adopted towards natives who hold situations in our district courts of as great importance and respectability in the eyes of the people as those above mentioned are in our estimation.

Some of our functionaries neglect these forms of civility from hauteur, others from ignorance. The only class with whom they usually have had any communication is that of menial servants and dependants, and they unfortunately acquire the habit of addressing all natives in the same manner. On receiving the visit of a native gentleman, the Englishman cannot fail to observe that the former, in addressing him, adopts all the usual terms of civility; but this he considers as a matter of course, placing it to the score of his own superior dignity, and it does not appear to strike him that a native can be entitled to a similar courtesy in return. Many young men who are inclined to attend to this point, find a difficulty in expressing themselves properly, and are apt sometimes to make use of terms which are only adopted by an inferior to a superior. To acquire the proper medium, I would recommend them to associate with the upper classes of the people, when several of these are together, conversing familiarly with each other, as well as with him; if he will carefully attend

to their conversation, he will learn more of the proper forms of speech, modes of address, and idiom of the language, in half a dozen visits, than in a hundred where he has only a single native to talk to. Much may also be gained in the acquisition of the Hindostanee, by taking every opportunity of listening to the middle or even lower classes, when these are talking to each other; more, perhaps, by a person who is only beginning to learn, than if he talked to them himself, at least as far as regards idiom and pronunciation, for this reason:—when addressing each other, the natives speak in their natural way, as they will to a foreigner, if they know he can understand them: but if addressed by a learner in broken Hindostanee, they answer him in the same style, even to adopting the pronunciation and words which he uses, supposing that he will not understand them unless they do so. A foreigner who only speaks to his own servants, after he has acquired just sufficient of the jargon to make known his daily wants, will sometimes, at the end of months, or even years, not have advanced one step in the acquisition of the vernacular language\*.

For the benefit of such of my readers who are just emerging into Indian life, I will annex a few specimens of the modes of address which they ought to adopt. First, let me assure them, that by using the terms of civility, they will not in any way compromise their dignity; and that the notion so prevalent with many that the word *Saheb* (Sir, or Mr.) is a special attribute of the English, is erroneous. The higher native officers of our courts are as much entitled to it as ourselves. In addressing them, the terms *Meer Saheb*, *Moolvee Saheb*, *Lala Saheb*, or *Pundit Saheb*, should be adopted, as they may be *Muhammedans* or *Hindus*; and the same in sending them a message desiring their attendance. When telling them to hand over any papers, instead of simply “do” give it, *deejie* should be the term

\* The pitch to which this is carried, is extraordinary. Englishmen may be found, who, after several years' residence in India, cannot count in Hindostanee beyond twenty: for the higher numbers they say, one twenty and six, two twenties and fourteen, three twen-

ties, &c.; which phraseology their servants and dependants also adopt, knowing that their masters would not comprehend them if they spoke properly. The quickness of native servants in acquiring the jargon of their masters is very remarkable.

(I'll thank you for it), and so on, with many other minor points, which may easily be learnt by young beginners, if they would adopt the course suggested above. After dictating the heads of a decree, order, or roobukaree (proceeding), in some intricate case, if the fair copy be well and clearly written, a remark to that effect will be peculiarly grateful: if my young readers would attend a little to these matters, they would be surprised at the respect and esteem with which they would be regarded, and how much more business would be cheerfully performed in the offices, by enlisting the kindly feelings of the *employés*, by merely not giving orders in the haughty and harsh manner in which it is usually done. All this is quite compatible with the utmost strictness in enforcing the proper execution of the duty, and with the notifying any fault or omission. Indeed, I have always observed that the more strict a man in authority is, provided his measures and orders are conducted with justice, temper, and impartiality, the more is he liked and respected by the well-disposed, who then feel assured that their exertions and merits will be duly appreciated.

Great complaints are made by almost all civil functionaries of the difficulty of acquiring a knowledge of the characters of applicants for employment, and that, when a situation falls vacant, they are obliged to appoint a native, in almost utter ignorance of his qualifications. What does this arise from, but from the little intercourse which our grandee civilians keep up with the people? Applications for employment of every description are constantly made to those in whom the patronage rests; familiar intercourse with the people would enable the functionary to learn the character and qualifications of the applicants before-hand; and when a vacancy occurred, he would be at no loss in the choice of a person to fill it.

But the poor natives seem to be placed under a *ban*, which excludes them from the ordinary courtesies of life. When an Englishman, even of high official rank, first takes up his residence at a new station, unless it contain a very large society, he, as a matter of course, calls on all the fixed residents, civil, military, or mercantile, who are "in society," or, as the American

phrase has it, "of good standing;" and when future new arrivals join the station, and call upon him, he, of course, returns their visit, however much below him in rank. Yet no Englishman ever thinks of paying a voluntary visit to a native, (unless he, in the common phrase, "wants to get something out of him,") even of the highest rank, who may be residing in the same place; scarcely even of returning the native chief's visit, without being solicited to do so. What would our feelings be, if our nobility and gentry (my readers may recall a former mode of illustration), after paying a visit to an African lad, who held the situation of county magistrate, were obliged to petition him to honour them by returning the visit; or if they were obliged to send beforehand to ascertain whether they would be allowed to sit down in his presence, in order to avoid the chance of the indignity of being kept standing during their visit; while, on the receipt of such a message, the African turns to a servant, "Who is this lord who wants to come; is he a respectable man, entitled to sit down in my presence?" and, on receiving the reply, says to the messenger, "You may tell him he shall be allowed a chair." This is an exact parallel, without any exaggeration, of the mode in which the little intercourse which does exist is usually maintained between the English functionaries and the native gentry. So ignorant are the generality of the former, of the characters, rank, and even names of the natives who live close around them, that the latter, when they have made acquaintance with one Englishman, constantly ask him for certificates that they are sufficiently respectable to be entitled to a chair, in order to facilitate their visits to other Englishmen: and about every three or four years, this humiliation must be undergone with a fresh set of British functionaries. Would such treatment from the African officials be pleasant to the feelings of our gentry\*?

I do not address myself to the haughty grandee Indian of the old school, whose *parvenu* pride leads him to adopt this sort of conduct, under the idea of keeping up his dignity; but there are

\* Until the time of Lord William Bentinck, no native was, without special permission, allowed to drive up in his carriage to the door of the Government-house, being forced to dismount at the outer gate.

many who act in this way from sheer ignorance. From having intercourse with none but menials, they acquire the habit of considering all natives in the same light; and it is quite like a new sense to them, like opening the eyes of a man who was born blind, when they hear a different doctrine inculcated, and to imagine that a black native can be entitled to the same courtesy and civility which is paid to a white Englishman. It is like a West Indian slave-owner visiting the sable gentry in St. Domingo. But when it is pointed out to them, they are often willing to listen, and from these, and the younger functionaries who are just emerging into public life, better things may be hoped.

Much might be done towards the improvement of the people by English ladies; perhaps even more than the other sex would be able to effect. A well-informed English lady, able to speak Hindostanee with propriety, as a native lady would do, might, by visiting and conversing with the native ladies, excite a wish for education; her descriptions of different countries, arts, sciences, and interesting objects, would naturally create a wish in the minds of the native ladies, at least, to be able to read about such subjects, particularly among the Muhammedans. There would not be any difficulty in paying such visits; indeed, generally speaking, the native chiefs would be highly gratified at the compliment thus paid to their wives. Prejudice on this head is decreasing very much among the Muhammedans of rank, many of whom no longer consider any allusion to the female part of the family as an insult, which was their feeling on this subject till within a few years. I could mention several Nawabs who occasionally send a complimentary message to an English gentleman, with whom they are on familiar terms, which is always accompanied by one from the Begum to the gentleman's wife, and that, too, not delivered by a woman servant, but by a male domestic; and, in the course of the visit, on the experiment being made by the gentleman of asking if the Begum and family were well\*, so

\* For the benefit of "young hands" who may be sufficiently intimate with a native of rank to try the same experiment, it may be observed that the Begum, or Ranees, should not be mentioned by name; the expression should be, "Muhul men Khyreeut hye?" (Is all well in the house?)

far from giving offence, they were pleased with the attention. One of the Nawabs often speaks of his mother, and appears quite proud of the extent of her acquirements, and the number of books she had read, while his Begum has repeatedly lamented to English ladies her inability to read.

Such an intercourse would, ere long, lead to return visits on the part of the native women of rank, which, in the first instance, would be paid privately to the English lady in her own apartments; and would, in all probability, ultimately overthrow the custom of the seclusion of females. This, however, would be a work of time and difficulty, for, strange as we may think it, we should have to encounter the prejudices not only of the gentlemen, but of the ladies themselves. Europeans are apt to fancy that wives, in the East, are little better than slaves kept for their husbands' pleasure, and that these husbands are nothing but harsh masters. Never was a more erroneous notion: the oriental women consider the being shut up in a zenana as a privilege attached to and indicating rank, wealth, and, as we would express it, fashion and *ton*, and would no more think of exposing themselves to public gaze, than our ladies would of running about half dressed. If an Englishman were to say to his wife, "I have been spending some time among the Andaman islands, where the women wear no clothes, and, being above prejudice, I wish you to introduce the custom, and set the fashion in England," what would be the lady's answer? "If you have lost all sense of decency, I have not,"—or she would probably think her husband insane. I do not intend to insinuate that the cases are really similar; but that in the present state of education and ideas, which exist in the East, the feelings of a native woman of rank, whose husband should request her to appear in a public party of men, even at his own house, would be precisely those of an English lady, on receiving a proposal such as is above imagined. The seclusion of women has undoubtedly greatly retarded the progress of civilization in the eastern world, and a change is to be hoped for; but to fly suddenly from one extreme to the other, and at once substitute our customs for theirs, would introduce more evils than benefits. The change

must be brought about gradually: intercourse with English ladies, followed by the education of the native women, would be the best means of promoting it; mixing in small parties of near relations of both sexes would be the next step, which would speedily lead to the complete adoption of the European customs. As to wives in the East being mere slaves of their masters' pleasure, I will venture to assure my readers that the science of "Henpecking" is as well (perhaps better) understood there, both in theory and practice, as it is in Europe\*.

A great point would be gained could we induce the natives to join us socially at our meals; which would lead to an adoption of several civilizing customs, such as substituting spoons and forks for fingers, and others. I have little doubt but that, with tact, provided the English were less migratory, we might induce the Moslems again to do so, as they did forty or fifty years ago†; but I have been more than once answered,—“Individually, I have no objection, but, as the commencer of the practice, I should, for some time, be thought the worse of by my own countrymen: this I should not regard, for my example would be followed, sooner or later, were there an English society to countenance me; but, when you leave this place, you may be succeeded by one who despises us Hindostanees, and I should have lost ground with my own countrymen, without gaining a place in the society of the English.” This constant change among the English residents, and the absence of all permanent interest in India, is the bane of all improvement. Talking of substituting some of our customs for theirs, the Muhammedans have a curious and absurd peculiarity worth mentioning. Some of their reli-

\* The native women seem to have some tact in this way. Many an Englishman has been completely ruled by his native mistress, who has not only interfered in his private, but in his official concerns. Yet the women who live with Englishmen are, with few exceptions, common prostitutes by profession, bred to the trade.

† It has been asserted, in opposition to these statements, that the Sheah Muhammedans have still no objections

to eat with the English. Let any one who thinks so, try the experiment of requesting them to do so,—in Delhi, Furrukabad, Lucknow, Benares, Patna, and Moorsshedabad, in each of which cities are some thousand Sheahs. What may be the case in other parts of India, I cannot say; but I will engage to say, that, in the whole Bengal presidency, containing, probably, a million or two Sheahs, there will not be found twenty who will eat with the English.

gious precepts prohibit luxuries, including silver and gold utensils. They do not, however, pay much attention to it; gold and silver lace on their dresses, gold or silver hookahs, mouth-pieces for smoking, and a variety of articles made of those metals, are common among those who can afford it. The restriction is held only to apply to *silver spoons*, an article they do not use; so easy is it to satisfy our consciences and indulge our inclinations at the same time.

The system of parents not consulting the feelings of their children, in regard to marriages, and of marrying at the early age so common in the East, when the parties are little better than children, has, perhaps, tended fully as much to retard improvement among the people, as that of secluding the women.

For one word more about our practice of keeping on their shoes when natives visit us, I must claim the indulgence of my readers; for it is much to be regretted that we should allow ourselves to be treated intentionally with disrespect. The custom of taking off the shoes is as indigenous among the people of India, as uncovering the head is with us: a neglect of the former among them, is as much a piece of rudeness or insult, as to keep the hat on, on entering a gentleman's sitting room, on a visit, would be among us. The notion entertained by some, that taking off the shoes was a badge of slavery introduced by the Muhammedans, is an utter mistake. Should England be conquered by the Africans, these might as well say to us, "Your custom of uncovering your heads, on paying a visit, is a badge of slavery introduced by the Normans, and we will now dispense with it." There would be as much truth and sense in the one observation as in the other. There is not the least doubt that the custom existed in India long before the appearance of the Moslems, and some are of opinion that the latter adopted it from the Hindus\*, together with the present mode of saluta-

\* This, however, is a doubtful point; from the records of the earliest times, the custom of uncovering the feet seems to have been adopted as the mode of showing respect in parts of the East. In the third chapter of | Exodus, we read that when the Lord appeared to Moses in the burning bush, he commanded him,—“Put off thy shoes from off thy feet, for the place whereon thou standest is holy ground.” How far the custom was spread over



tion\*. In Kabool leathern boots are, to this day, part of the established uniform of the courtiers, when they attend the king; and the custom of taking off the shoes is preserved more strongly in Hindu and other states, which were never subject to the Moosulmans, than in others†. In such states, a Hindu, who wishes to be very respectful, will, on meeting his superior in a public road, take off his shoes, and stand barefoot on the dirty ground, to make his salute, a practice unknown in any Muhammedan state. This sufficiently proves that the pretence now put forward by the natives, that our carpets are dirty, and, therefore, they cannot take off their shoes, is futile: it is, in fact, an additional insult.

No native of respectability would ever have dreamed of infringing on the established custom of his country: the rudeness complained of sprung up in a rank soil suited to it, and originated among the low-bred and vulgar upstarts of Calcutta‡, whom it

the East, in those remote days, we have now no means of ascertaining; but the opinion that the Moosulmans adopted the custom from the Hindus is not without grounds. A race of Tartars, from the country north of the Himalayah, left their own home for conquest, some going west and some east. Those who went west, became converts to Islam, (the religion of Muhammed,) conquered Kabool, and from thence established their empire in Hindostan, under the name of Moghuls. Among these people the custom now exists of uncovering the feet as a token of respect. That part of the nation, known to us by the name of Monguls, who went westward, conquered China, in which country the custom alluded to is unknown; which proves that it was not indigenous among these Tartar Moghuls or Monguls; for, had it been so, they would have imposed it upon the Chinese, as well as upon the natives of India.

\* The Persians and Afghans, which nations have produced most of the Moslem conquerors of India, except on extraordinary occasions, make no motion with the head or hand, as is the custom in India. They merely

say, "Sulam alaikoom," (Peace, or Salutation be unto you); to which the other replies, "O alaih sulam," (And unto you be peace, or salutation.)

† To wit;—the Burmese territory, all the hill-states from Assam to the Sutledge, in most of which, not even a predatory incursion of the Muhammedans ever occurred. The Rajpootana states, which were never conquered, although partly overrun by the Moosulmans. Others might be mentioned.

‡ I beg not to be misunderstood, as asserting that all the natives of Calcutta are of this description; there are some whose acquirements and manners place them on a par with any English gentleman in the country; and I am only sorry to see them lose their self-respect, and imitate the low-bred upstarts, in being guilty of intentional rudeness. But they are, in some measure, driven to it in self-defence: with many of the English in Calcutta, the shoes are the test of a native's gentility. Those who are polite enough to take them off on entering a gentleman's room, are supposed to be poor people of an inferior rank; while those who rudely walk in, with their shoes on, are considered as native gentle-

is now the fashion to style the native gentlemen of India. It first begun among those who administered to the wants of the young civilians and merchants, by lending them money, and among others, who employed English lawyers to conduct suits in the Supreme Court; and these were delighted at the opportunity which they derived from their wealth, of treating their superiors with disrespect\*. Many of the English, who were so treated, were not aware of it, from ignorance of the customs of the country; and those who were, submitted to it, in consideration of what they could "get out of the natives." But, as of course, they were ashamed to own that they submitted to what they knew to be meant as an insult, particularly for such a reason, they laboured to persuade their countrymen that the question was one of no importance; and so the rudeness has risen to its present height, and is spreading into the interior, by the same means which introduced it into Calcutta.

I hope I shall neither be misunderstood, nor misrepresented as one who wishes to inflict any degradation upon the natives; the whole tenour of my papers proves the contrary, and that my desire would be, whenever his individual character renders him qualified, to place any native on an equality with ourselves, both in social intercourse, and in political rights. I am willing to pay them every attention and civility; all I expect is reciprocity; and that, when I visit them, as I take off my hat, so, when they visit me, they should either leave their shoes at the door, if they wish to retain their own customs, or uncover their heads, if they prefer to adopt ours; in short, that they should treat an English gentleman with as much civility as they would show towards their own countrymen. It was stated, not long ago, in the public prints, that the present Governor-General had intimated, that natives, visiting him as such, must comply with the

men! I am happy to see the old system of haughty exclusion on the decline, but I cannot approve of the extreme into which Lord William Bentinck ran. In his time, natives were invited to the Government-house, who, in point of birth, manners, and education, were on a par with our lower

orders of clerks and shopkeepers' apprentices. The rudenesses which these men were guilty of towards ladies, were subjects of loud complaint.

\* This mode of displaying their pride and rudeness is peculiarly suited to the low cowardly nature of the Bengalees

custom of taking off their shoes; but they need not do so when attending his private parties. This, surely, must be a mistake, for I cannot imagine that, with his knowledge of the native customs and ideas, Sir C. Metcalfe would have given any such order; but if the statement be correct, to be consistent in the abolition of the common forms of civility and respect, a notice should be issued, that when Englishmen wait on the Governor-General, they are expected to take off their hats; but that when they attend Sir C. M.'s private parties they need not do so. My readers may imagine that too much stress is laid upon the point in question; they would no longer think so if they knew the contempt with which they were regarded by the natives, even by the upstart *native gentry* of Calcutta, in consequence of their neglect of these common forms of civility\*.

September 29th, 1835.

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## No. LXIII.

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### MISCELLANEOUS OBSERVATIONS.

THIS paper will contain a few short remarks on some of the customs peculiar to this country, in which I shall endeavour to ascertain the truth or otherwise of several impressions and opinions which have long been entertained by the English, attempting at the same time to trace their origin.

The most prominent of these, perhaps, is the belief which was, and is still, generally speaking, retained by our countrymen of England, of the great wealth of India: now, the fact is, that although rich in *resources*, were they properly developed, India is, and always has been, compared with England, poor in money.

\* The very native who, in the most obsequious terms, has been falsely assuring an Englishman that the custom is now of no importance, and is neglected among themselves, will, among his countrymen, boast of the rudeness he has been guilty of. "These

English dogs are ignorant of the common forms of civility; why I walk into Mr. A.'s or Mr. B.'s, &c., house with my shoes on!"—are the very words sometimes made use of by them.

That the notion of Indian wealth should have obtained, is not, however, very extraordinary (as alluded to in No. XXXVII.), from the enormous fortunes accumulated by a few individuals, the splendour of whose appearance, on returning to England, caused the multitudes of unfortunate beings who had fallen victims to disease, imprudence, and disappointment, to be forgotten. Other reasons are to be found in the customs of the country. A Hindu who has an income of 100 (pounds) a year, would probably possess shawls, jewels, and gold ornaments to the value of 200*l.* or 300*l.* An Englishman with a similar income would not, perhaps, have a bit of gold or silver in his possession, or, at the utmost, a silver watch and two or three silver spoons. The wants of the two people are different. The Englishman will be found living in a good house of masonry, well fitted with doors and windows, and other conveniences, the erection of which cost 200*l.*, or 300*l.*, and containing furniture to the value of another 100*l.* The food of the Englishman would cost 40*l.* or 50*l.* a year, and the rest would be fully absorbed by the expenses of clothes, taxes, doctors' bills, and other necessary items. The native of India, on the other hand, would live in a house not worth above 20*l.*, and the value of the whole of his furniture might be about 10*l.* more, the interest of which, at 10 per cent., is only 3*l.* per annum; 20*l.* would supply the food of the family; ordinary clothes and other items, including a horse, and two or three servants, would cost about 40*l.*, total 63*l.*,—leaving a surplus of more than a third, which would be spent in shawls, jewels, and ornaments for himself and family.

Such is the difference of the style of living among the natives of England and those of India, between men of a similar income. It is partly owing to the climate, partly to the customs of the people. The former enables us to build much cheaper houses, though as large and as comfortable, than can be done in England; the latter enables the natives to dispense with various articles which habit has rendered indispensable to us. A truckle bed, two or three quilts, a carpet or two to spread on the ground to sit upon, and a few plain brass or copper vessels to cook in, and a trunk or two, are all that the native thinks requisite for his

comfort. Our tables, chairs, knives, forks, spoons, and other articles, would only be so much in his way. All these things, the English on their first arrival in India do not consider; they merely observe what is immediately before their eyes; viz., a native living in what they consider a miserable mud house, with scarcely any furniture or comforts about him, yet possessed of so much of what we are accustomed to consider indications of wealth; and they are ready at once to come to the conclusion, that if a man of this description has such fine shawls and jewels, India must be, indeed, a land of riches.

The same principle pervades those of large incomes. An Englishman on 3000*l.* a year would spend 600*l.* or 700*l.* on his table, including wines and other luxuries; his house would be filled with handsome furniture, to the value of 8000*l.* or 10,000*l.*; and large sums would be expended on the education of his children; school or college for the boys, and governesses, French, music, drawing, dancing, and other masters for his girls. A native, with a similar income, knows none of these wants and expenses. He would like a fine house, but would care little about furniture. 100*l.* a year would supply him and his family with food; a tutor, who lived in the house, of the description and with about the remuneration of a Scotch *Dominie*, would teach his sons Persian and Sanscrit; and the rest of the income would be spent in fine clothes and jewels, or to support trains of elephants, horses, and followers with handsome trappings and liveries; or if the individual be a Hindu, part would be laid by for the entertainment of brahmins at certain festivals. It is not that the native has no wants beyond "a grass hut, a piece of plain cloth for clothing, and a plantain leaf on which he can eat his dinner, consisting of a little rice, oil, and pepper," as was formerly asserted by those who opposed the opening of the trade; the native of India, whether Hindu or Moosulman, is as fond of comforts and luxuries as the Englishman; only his ideas as to what these consist in are very different from ours. As to food, the wealthy of either class are extremely fond of ragouts and rich artificial cookery; but all the articles consumed in the manufacture of these, as well as the spices and condiments requisite for their high

seasoning, are cheap in India ; and wine, which makes so large an item in the expense of English housekeeping, natives of respectability do not drink,—the efforts of our collectors to promote drunkenness, in order to increase the revenue of Government, having hitherto only succeeded with the lower classes ; and, indeed, I am happy to say it is by no means yet universal among them.

The number of servants entertained in India, cannot fail to strike every fresh arriver from England ; this is partly owing to caste, and partly to the custom of employing manual labour for what in England is done by machinery. In English houses, for instance, there is always a pump, sometimes two, or three, if there are several courts or yards belonging to it, besides pipes and casks for conveying water into different parts of our houses ; here we hire a servant expressly to draw water for the use of the family from some well near the house. In England we buy hay for our horses ; in India a servant for each horse is kept, to collect grass every day. There is no doubt that these and many other English conveniences might be introduced into India ; but, in the present state of habits, they would be expensive, and not answer our purpose better than the existing customs. The same cause retards improvement in these as in more serious matters ; the absence of any permanent interest in the country on the part of the English, and the constant change of residence to which we are subject. Taking the whole of the civil and military officers of Government, who, out of Calcutta, form, to an immense extent, the majority of the English population, upon the average, each does not remain above two or three years at the same place ; and during their nominal residence, they are constantly liable to be marching about, at which times they live in tents : the same remark will apply to the merchants.

With regard to artificial modes of raising and conveying water, for instance, the erection of a pump, which is in England one of the necessities of life, would here involve no little trouble and expense, still more would be required to induce servants at large to make use of it, and dispense with the water-carrier. During the periods of marching about, it would be useless, for at such

times a water-carrier must be hired, and in case of a sudden removal, if such a servant were not attached to an establishment, he might not be procurable at a moment's warning. On the whole, therefore, it may be said, that though at large stations, and in public establishments, such a convenience would be useful and desirable, yet that, in private families, the amount saved would scarcely exceed the interest of the money spent in its erection, without calculating all the trouble which would attend it; and besides, whenever the individual who had contrived it finally quitted that station, the principal expended would be entirely lost.

So with respect to the grass-cutter: in all towns grass may be bought, and, perhaps, for less (but not much) than the amount of the man's wages; but when the master came to march, the same difficulty would be felt. In the country, at a distance from the towns, grass is not to be bought, unless orders are previously issued to have it collected, there being no demand for such an article; the grass-cutter, on the other hand, carries the ropes and pegs for picketing the horse, horse-cloths, and other items, early in the morning of every day's march, (averaging about twelve miles,) while his master rides the stage, followed by the groom on foot, who, on reaching the ground, cleans and tends the horse, while the grass-cutter cuts and brings in his forage; besides, when the cost is about equal, there is always a convenience in an extra servant, in the event of one being taken ill.

In mechanical labour, great improvements might be made by the introduction of many English tools and inventions, but, in the present state of society and habits in India, it is extremely difficult to bring them into use. Except in Calcutta, and one or two larger stations, there are no architects, coach-builders, and other master-workmen, who will take an order, complete what is required, and then send in a bill. In erecting a house, every man must be his own foreman, buy the materials, pay the workmen, and superintend the work himself. In making up furniture, the same must often be done; or if a workman can be found who knows how to make what is wanted, it will generally be necessary to make him an advance of money to purchase the materials,

although the whole cost of the article required will not be above fifty rupees (5*l.*) ; so poor are the Indian artisans.

When Englishmen first arrive in India, and see the inadequate tools and clumsy mode of operation generally in use, they constantly inquire why some of the English inventions and improvements are not introduced ? The answer is, that they would cost more than it is worth. Each individual is not always building houses or making up furniture ; the necessity only happens now and then. To procure implements of superior manufacture is beyond the means of the workmen ; it must be done by the employer ; the expense of so doing, and the loss of time and trouble in teaching the people to adopt the new method, would be greater than the gain upon a single occasion ; consequently every man contents himself with allowing his workmen to proceed in the old way, obtains what he wants, and there is an end of the matter.

I beg not to be misunderstood. I do not assert that improvements cannot be introduced into India, but that it will require time, and a considerable change of customs and habits both among the English and natives before the end can be effected ; and that little will be done until the people become less poor than they now are, and the English conduct themselves so as to acquire their respect and gain an influence among them. The Government, also, must lessen its extortions ; and we should practically show the advantages of what we wish to introduce, which can never be done until we have ourselves a permanent interest in the welfare of the country, and shall cease to be, what we have hitherto been, a race of foreign rulers, whose sole object is to make as much money as we can, and return home. The attempts hitherto made to introduce improvements into India have been singularly unsuccessful. It might have been expected, that in the Government establishments and manufactories, which are permanent, something might have been done ; and so, indeed, it might, had those appointed to superintend them known anything of the business that was to be carried on : but, after perusing No. XXIX. of these papers, my readers will be at no loss to understand why



so little has been obtained by Government influence. We have, indeed, often endeavoured to introduce schemes and plans unsuited to the country and people, while we have neglected others which would be practicable and useful here or anywhere. The same remark is applicable to our domestic conveniences. English readers will scarcely believe, that such a thing as a bell to call the servants scarcely exists in India, and that a *water-closet* is not to be found; while the substitutes for these conveniences are the most vulgar, clumsy, and offensive, which can well be imagined. Conceive an English lady, calling out at the top of her voice, "Kooye hye?" (Who is there?) and receiving no answer, the servants being all asleep; going to the door of the room, and stumbling over a half-dressed, snoring attendant who is lying outside, (in order that he may be within call,) and who, if he keeps awake, is a sort of spy, and by no means an inattentive observer of all that passes in the private apartment of his mistress.

On the first arrival of a young man in India, he is perplexed with the large number of servants and attendants whom he finds it customary to entertain, and with the various and respective duties which are assigned to each. It requires some little time to understand these matters, and until this knowledge is acquired the existing customs of India are loudly reviled, and comparisons drawn between the idle, lazy natives, and the "one good English servant," who will wait at table, clean a horse, and in short do all that he is wanted for, even to working in the garden. It has already been observed, that such customs exist in England only among the middling classes of life, or where the establishment is extremely limited; but that in families of rank and fortune, there is just as much *caste* as among the servants in India; when a man, however, has once learnt how to manage the latter, there is infinitely more comfort to be obtained, from the additional number of Indian attendants, than from the much-vaunted "*servant of all work*" at home.

It is true the latter will perform the various duties above enumerated; but in what manner? and how many restrictions does it not impose upon the comfort and convenience of the master? He wants to take a ride, for instance, but he cannot

do so when he pleases. Calculation is required: he dines at six, therefore he must return home by four, that the servant may have time to clean the horse, change his dress, prepare the table, and attend at dinner. If he wish to send a note or message, he can only do so at a certain time of the day, when his one servant is not employed in household duties. In India how different! Even a young ensign needs make no such calculations. He calls for his horse when he pleases, returns at any hour that suits him, and finds one servant ready to take and clean his horse; another waiting with a change of clothes, (for, as he pays a fixed sum to a washerman, it matters not whether one or ten suits are soiled,) a third to serve up the dinner, a fourth to wait at table, a fifth to bring water for bathing, a sixth to carry a message, and a seventh to sweep the house; and the expense of the whole is not more than that of the one English servant. All this number of attendants has an imposing sound, and, while we ridicule the absurd notions which people at home form of an Indian life, we forget that it is in a great measure owing to the ignorance of many, who, although they have spent years in India, know nothing about the manners and customs of the country, and consequently send erroneous accounts to their relations in England, and to the grandiloquent style of young men in describing their establishments, which are no more than the custom of the country requires; and which, when a man has learned how to govern them, contribute much more to his comfort than any that he could procure on a similar or even a considerably larger income at home.

On reading the accounts of ancient travellers in the East, we are often surprised, and inclined to ridicule the accounts of the splendour of the cities, and the wealth of the people: yet, a little examination will show, that in the former there was little exaggeration, and that little easily accounted for; while on the latter, opinions were formed from superficial appearances, without penetrating further. In comparing the towns and cities, for instance, we are not to forget that almost all the towns in England which are subjects for the comparison with oriental cities, are of modern date, or the scene of modern improvements. It is true that the regularity and intrinsic value of the houses might be, gene-

rally speaking, greater in European than in oriental cities; but the narrowness of the streets and the gloomy climate would detract considerably from the *coup d'œil*; and for a general view, it is probable that, a century ago, there was not a street in Europe which could be compared with the "*Chandnee Chok*" of Delhi, or with several of those in Jeypore. Beckford's description of the square of St. Mark at Venice might perhaps most nearly approach it.

Englishmen in general are little aware how very lately it is that we have made the advances in civilization which are now the wonder of the world, while the natives of India, have, within the last century and a half, decidedly retrograded. Some fifty or sixty years ago, our roads were not better than the common unmade tracks now visible throughout India: coaches travelled at the rate of about five miles an hour: in the middle of the last century, the stage coach from London to Oxford spent two days in accomplishing that distance, fifty-four *miles*. In my day, the coach from London to Chertsey was never less than four hours on the road, often more, which is but twenty miles. Flying artillery has only been introduced into the English army within the last forty years: Aurungzebe had that description of force in India a century and a half ago. In short, while the English have had every stimulus to exertion, the unfortunate Indians have met with every discouragement. The breaking-up of the Moghul empire after the death of Aurungzebe in 1707 was the first blow to the prosperity of this immense continent; which was further effected by the wars of different nations and chiefs for supremacy; and this was then succeeded by a government of foreigners, whose principle has hitherto been to make what temporary profit they can, without taking the interests or sufferings of the people into the least consideration. Heedless of the impoverishment of the resources of the country, negligent of everything which might tend to promote permanent benefit, unless the prospect of advantage to themselves were immediate, each successive Governor and local functionary consoled himself with the thought, "It will last my time."

But because the Indians are in the present day so far behind

us in arts and sciences, we are not justified in concluding that they are not capable of improvement, were circumstances favourable to them. Complaints are made, that whatever is to be done, an appeal is made to Government: a road, a school, a charitable institution: every thing must be done by Government! How can it be otherwise? In England, where so much wealth is possessed by the community, diffused over all classes, and where there are local authorities to superintend them, the greatest improvements are planned and executed by private individuals; but in India, where the Government grasps at everything, and leaves the people only a bare subsistence, having destroyed almost every local authority which formerly existed, and where the interests, that is, the immediate interests, of the rulers are very different from those of the governed, the people have a right to expect that some small part of what is taken from them shall be expended on their benefit.

*October 5th, 1835.*

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## CONCLUSION.

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IN concluding the Notes on Indian Affairs, I beg to offer the following remarks:—

The most striking feature of the observations contained in this series of papers is, the endeavour to lessen the overweening estimate which we had formed of our Government in British India. More than seventeen years have elapsed since I first landed in this country; but on my arrival, and during a residence of about a year in Calcutta, I well recollect the quiet, comfortable, and settled conviction, which in those days existed in the minds of the English population, of the blessings conferred on the natives of India by the establishment of the English rule. Our superiority to the native Governments which we had supplanted; the excellent system for the administration of justice which we had introduced; our moderation; our anxiety to benefit the people;—in short, our virtues of every description, were descanted on as so

many established truths, which it was heresy to controvert. Occasionally, I remember to have heard some hints and assertions of a contrary nature, from some one who had spent many years in the interior of the country; but the storm which was immediately raised and thundered on the head of the unfortunate individual who should presume to question the established creed, was almost sufficient to appal the boldest.

Like most other young men who had had no opportunities of judging for themselves, it was but natural that I should imbibe the same notions; to which may be added, the idea of the universal depravity of the people; which was derived from the same source. Being appointed to the Upper Provinces, shooting and other boyish recreations occupied so much time on the voyage up the river, that I had little leisure for observation or inquiry which could lead to any change of opinion; unfortunately, I imagined that nothing interesting or instructive could be gained from any communication with the people, and, like the generality of my countrymen, supposed even the most intelligent native to be inferior to an Englishman, though his education had been on the lowest possible scale.

For a year or two longer I entertained similar sentiments, and possibly might have retained them to the end of my sojourn in India, had I continued my mode of life at that period; residing at a large English station, associating entirely among my countrymen, and holding no more communication with the people of the country than the actual demand of business required. But, fortunately for myself, I was sent to reside alone for some months at Bullundshin, an out-station, where I had little intercourse with Europeans, and where I was necessitated to have recourse to the opinions of respectable natives, from utter inability to form a judgment on many of the cases which were brought before me. In the mean time, for my own convenience, I had made some progress in the language, so that I was able to communicate with the people without the aid of an interpreter.

From the intercourse which thus took place, I was enabled to perceive the errors and absurdities of my former notions, and soon discovered, that though the natives were of a different race

and complexion from ourselves, there were among them men of respectability and worth; and that, with regard to their own country and concerns, many of them were very well informed. I also reflected on the expediency of not depending wholly upon such aid; that it was the duty of those in official situations to make themselves acquainted with the customs of the people; and on the very poor character a man would receive for intelligence, if, on returning to England after many years' residence, he were unable to give any account of its affairs or of the people.

I endeavoured, therefore, to acquire a more intimate acquaintance with the people; and, becoming more familiar with their habits, thoughts, and opinions, (which I soon found them willing enough to communicate,) I perceived a strong feeling of disaffection towards the British government, and a dislike to the English themselves as a nation; and, generally speaking indeed, as individuals. This impression insinuated itself by degrees into my mind, which was naturally by no means disposed to receive it, all my previous conceptions having produced ideas and opinions quite of a contrary nature; still, it was so constantly forced upon my notice, directly or indirectly, that, in spite of myself, the conviction was irresistible.

This being the case, an attempt to discover the reasons for such sentiments on the part of the native population, was the natural result. Well-founded complaints of oppression and extortion, on the part both of Government and individuals, were innumerable. The question then was, why, with all our high professions, were not such evils redressed? This, however, I was assured, was impossible under the existing system; and I was thus gradually led to an inquiry into the principles and practice of the British-Indian administration. Proceeding in this, I soon found myself at no loss to understand the feelings of the people both towards our government and to ourselves. It would have been astonishing, indeed, had it been otherwise. The fundamental principle of the English had been to make the whole Indian nation subservient, in every possible way, to the interests and benefit of themselves. They have been taxed to the utmost limit; every successive province, as it has fallen into our possession, has been made a field for

higher exaction ; and it has always been our boast, how greatly we have raised the revenue above that which the native rulers were able to extort. The Indians have been excluded from every honour, dignity, or office, which the lowest Englishman could be prevailed upon to accept, while our public offices, and, as we are pleased to call them, courts of justice, have been sinks of every species of villany, fraud, chicane, oppression, and injustice ; to such an extent, that men, who have been robbed of their property, and whose relations have been murdered, will often pay large sums to the police to prevent investigation, from the dread of being compelled to attend one of our courts, even in the character of a prosecutor or witness.

It is to little purpose that we boast of our honesty and good intentions, and lay the blame of the existing evils upon our native subordinates ; the authors of a system which produces such evils are the real offenders. But even granting that we may, to a certain extent, claim the above attributes, they will have little effect in promoting the welfare of the people, so long as the Government officers are selected to rule the country, and to fill the highest and most important offices, entirely by interest, and are, generally speaking, so little acquainted with the manners, customs, and language of the people, that they cannot transact the most trivial business without the assistance of natives to read, and write, and explain for them ; our practice being, at the same time, to give those very native *employés* such pittances for salaries, that, in the greater number of situations, they could not accept employment without compromising their honesty.

We are constantly blaming the people for attempting to gain their ends, good or bad, by bribery to those of their own countrymen who are in office, and often ridicule them for supposing it possible. The fault, of course, must not be charged to *our* account : *we* have hitherto been unable to discover, that where bribery exists, something must be wrong in the system of administration ; that an applicant for justice would be delighted to obtain it without paying for it, could it be so procured ; that the dignified English functionaries, from their ignorance of their duties, and of the native customs and language, are often, in

reality, so completely held in leading-strings by their native subordinates, that a bribe to the latter will cause the most infamous injustice to be committed; and that, without the bribe, redress, even for the most glaring wrongs, is often unattainable.

All these truths are much too mortifying to our vanity to be for a moment admitted; we find much more agreeable modes of solving the problem, and settle the question by quoting the innate roguery of the natives. This is the inexhaustible fund which furnishes, entirely to our own satisfaction, all explanations which may be required relative to anything faulty in the British administration.

But even on the score of honesty, we rather beg the question; every instance of misconduct on the part of a poor native, taken from the lower orders of society, and whose pay is actually insufficient for his maintenance, is blazed abroad; we forget to notice that of the English functionaries, most of whom are born in that rank of life which secures a good, or, at least, a very tolerable education, and who receive handsome salaries by way of securing their honesty. Yet, up to forty years since, it is well known that there was scarcely an honest man in the service, civil or military; and even of late years, ay, up to the present time, the glaring instances of corruption, oppression, and extortion, on the part of English functionaries, which have been proved, and the many others, of which, though legal proof be wanting, there is no moral doubt, would leave us little to boast of, when we consider the difference of rank and circumstances of the English and native *employés* of the British-Indian government. The less we say on this head, indeed, the better, lest we excite the natives to retort upon us; they have us more in their power than it would be wise to give them an opportunity to exhibit.

The little consideration we have shown to their feelings and prejudices, the almost total neglect of the commonest offices of civility or attention, the *hauteur* and superciliousness of our manners and deportment towards them, both in official and private intercourse, has been another cause of alienating their minds from us, which I have already frequently alluded to. Our opinion of their degeneracy, corruption, and depravity, has



been loudly and universally proclaimed, careless of the effect which it must have produced upon them. We have, indeed, almost taken a leaf out of the book of Muhammed, and adopted the tone in which the Turkish Osmanli are accustomed to address the unfortunate Franks, who should in any way presume to intrude upon their dignity or pleasure; and for all this sum of offences against them, both national and individual, what benefits have been conferred upon them to balance the amount? Partial security from foreign invasion may be said to be the sum total.

As my conviction upon all these points became more and more established, I began to make memoranda of what I saw and heard. The notes from which these letters have been composed were written several years ago; but every opportunity has been since taken to increase the information then acquired up to the present time, and a visit to England within the last few years was of use in enlarging my views of society and human nature, by enabling me to observe the manners, customs, and habits of my own countrymen.

The summary is, that the British-Indian government has been, practically, one of the most extortionate and oppressive that ever existed in India; one under which injustice has been, and may be committed, both by the Government and by individuals, provided the latter be rich, to an almost unlimited extent, and under which, redress from injury is almost unattainable; the consequence of which is, that we are abhorred by the people, who would hail with joy, and instantly join, the standard of any power whom they thought strong enough to occasion our downfall. Some acknowledge this, and observe that it is the unavoidable result of the imposition of a foreign yoke. That this is correct regarding a government conducted on the principles which have hitherto actuated us, is too lamentably true; but had the welfare of the people been our object, a very different course would have been adopted, and very different results would have followed; for again and again I repeat it, there is nothing in the circumstance itself of our being foreigners of different colour and faith, that should occasion the people to hate us; we may thank ourselves for having made their feelings towards us what they are.

How, indeed, is it possible, after the treatment they have received, that our government, or ourselves, should be popular with them? They have dark complexions, certainly, but are they, therefore, not human beings? Have they not the common feelings of human nature?—And yet we are pleased to assert, that they rejoice in a government by which they are trodden to the dust, and oppressed more than by any of their foreign rulers; that they entertain feelings of affection and regard towards those who treat them with insult and contempt, and that they hold those in reverence and respect, who too often exhibit the extreme of meanness, when anything is to be gained by it.

Those natives who have money and wealth at their disposal have not yet found the English backward in cringing and flattery, or even unwilling to receive disrespect and insult, provided anything is to be got by it. The instances of this nature are so frequent and notorious, that their occurrence is perfectly astonishing, and that Englishmen in the rank of gentlemen should be guilty of such, is only to be accounted for by two reasons:—First, that the little intercourse that exists between the English and natives affords a tolerable security from the chance of detection on the part of the former; and as to the opinion of the latter, it is wholly disregarded—“Who cares what they think?”—and secondly, many a man consoles himself with the thought that even if he does suffer in the estimation of his countrymen in India, he will soon return to England, where no one will know anything that has happened. In Anglo-Indian society, to say that such an one (of those holding the highest situations) is “on a rajah-hunting tour,” (by which is meant that he is going on a round of visits to native chiefs, in order to get as many valuable presents as possible,) excites no astonishment, and, I am sorry to say, but little disgust. And while we have nothing to afford them in assistance of their festivals and amusements, we do not hesitate to solicit them to subscribe to our racing and steam funds. Many, to their disgrace be it said, have not scrupled to use their official influence to oblige them to do so.

But it will probably be asked, if such be the real character of our Government, and if this be a correct delineation of the private

and official conduct of individuals, and of the feeling of the people towards us, both nationally and individually, how is it, that, although so many English have visited India during the last forty or fifty years, such erroneous notions should prevail? while I shall probably be taxed with presumption in expressing opinions so contrary to those generally received. The chief reasons have been more than once alluded to in the course of these papers; viz., the distance which most of the English maintain towards the people, their general ignorance of the native language and customs, and their individual vanity and self-love. Surrounded by a few unprincipled dependants, whose illicit gains arise from the existing system of misgovernment, we listen with complaisance to the pleasing voice of flattery, and are loth to break the charm. Some few, indeed, were not deceived. They opened their eyes, and observed what was going on around them; but still, while they found themselves so greatly in the minority, they were reluctant to advance their opinions, and as to giving them expression in print in India, the consequence would have been the utter ruin of their prospects for life. In England, certainly, there was no such check; but how few returned to England! and of these, how small a proportion retained any interest about India! while the very few who did so, usually looked forward to a seat in the Direction, to obtain which, the expression of such sentiments must be rigidly eschewed.

Still, under all these disadvantages, some have spoken out. In various works published by individuals, and in official documents printed by orders of Parliament, some of them long since, will be found matter amply sufficient to warrant the truth of the opinions on our British-Indian government which are expressed in these papers.

Little effect, however, has hitherto been produced. The barrier opposed by our national and individual vanity, and by the prejudice of albocracy, has not yet been surmounted. In vain has the voice of truth been uttered. Those works which descant on the inferiority of the natives and on British excellences, find favour in our sight; while, on meeting with a true picture of what has happened, and still continues to exist, we shut the book

in disgust, and exclaim against the prejudiced, absurd, and erroneous views of the writer.

There is no want of opportunity for ascertaining the truth of this. Ask a first-rate collector whose native officers are, with his private sanction, (for, of course, he must not appear in the affair,) flogging and starving unfortunate wretches to extort the last farthing, if the welfare of the people is not to be considered? He will, perhaps, answer in the affirmative; but, at the same time, he will exclaim, "But were they not ten times worse off under their own rulers? They have now the protection of the English government; such a blessing is enough for them; let them pay for it, and be thankful." And while he expresses these sentiments, his private thoughts will often be, "Are they not generally subject to the nation which gave ME birth? Moreover, is not the district under discussion placed in MY charge? Is it possible they can be better off?"

This is not exaggeration. With a rare exception, whenever a civilian or military officer asserts the excellence of the British Government, if called on for proofs, he almost invariably and instantly reverts to *his own* management of *his own* district, of *his own* regiment, of *his own* troop or company, or of *his own* servants, which, in his opinion are next to, if not quite perfection; and hints, by way of evidence of his success, the respect *he* receives from the people. We have hitherto drawn our own portraits from the reflection of our own mirrors; the natives are beginning to draw them as they are exhibited in a less brilliant medium.

The magnitude of the interests at stake seemed to justify another attempt to open the eyes of my countrymen to what I conscientiously believed to be the real state of affairs, and there were several reasons suggesting that this should be done by a series of statements periodically made, rather than by a solitary work, which would probably share the fate of those already given to the world. People in England naturally take their ideas of India from those who have spent some time in the country. It would be to little purpose to publish a work in England which nineteen-twentieths of those who came from India would pronounce to be

erroneous. The attempt to enlighten Englishmen on the subject of British-Indian government must be first made in India, for constantly-recurring statements must, in some degree, awaken the attention, and induce some to inquire and judge for themselves. Moreover, I had not leisure to compose a regular work, nor, indeed, had I any idea at first of doing more than addressing a series of letters to one of the Indian newspapers. I may be wrong in the opinions I have expressed, but I at least claim the merit of good intentions, and a desire to benefit both my own countrymen and the people of India. There can be but little pleasure in detracting from one's own countrymen and associates, but no man, thinking and feeling as I have done, could remain silent, unless his sense of duty were blunted; no man could contemplate the immense mass of misery and ruin which will infallibly result from the infatuation in which we are enveloped, relative to the nature of the British-Indian government and our tenure in this country, without lifting up his hand or his pen to avert, if possible, such awful consequences.

That the opinions expressed in these papers should be declared erroneous and offensive; that they should be scouted and scorned, as they have been by many, is no more than might have been anticipated. Few people like to have their self-love mortified, or will willingly subscribe to their own or their country's misconduct, and fewer still know anything of the real sentiments of the people. But let it be remembered that I have not dealt in mere assertion and declamation. From the very laws enacted by the Government, from the orders issued by the superior courts and boards, from the official minutes of functionaries of the highest rank and talent,—from these sources alone has enough been quoted in these papers to prove, in its fullest extent, the truth of all that has been asserted of the extortionate and oppressive nature of our rule; to say nothing of the practical facts which have repeatedly been brought to notice. Unpalatable and offensive as the result may be, let these documents and facts be disproved, before the opinions and inferences which have been drawn from them are rejected.

In support of their accuracy I can appeal even to the local

Government and Court of Directors. They have always had a tolerably clear idea of the real truth. There cannot be a stronger proof of this, than the great anxiety which prevailed, and the strenuous efforts which have all along been made, to prevent the ingress into India of all Europeans except those in the service of Government, and to crush the freedom of the press. Even the liberal members of Parliament always allowed that a free press was incompatible with our system of government in India. Doubtless it was because the British government was evil and oppressive. No good government ever need fear the freedom of the press. For the same reason English settlers were excluded. They, it was well known, would not submit to the injustice and extortion which was practised with the patience and resignation of the poor natives, but would expose the abuses which existed, by their remonstrances and resistance.

Upon the whole, however, I have been rather flattered than annoyed by the indignation which these letters have at times excited. It is the very fidelity of the picture that has given so much offence. As Mrs. Butler observes, in commenting on the effect of Mrs. Trollope's strictures on American manners and society, "Lies do not rankle so."

The great object has been to rouse attention to the subject in India, and to promote inquiry on the spot. The apathy and listlessness of the Anglo-Indians has long been proverbial. It exhibits itself in its strongest light on Indian affairs, except on such points as immediately concern their individual interests. In Indian society, a man who should start any point of Indian affairs as a topic for conversation, would, generally speaking, be considered a *bore*, and almost all literature or information on the subject is thrown aside as dull and tasteless; indeed, it would be hardly too severe to assert, that, in Calcutta, the arrival of a fresh cargo of Yorkshire hams,—hermetically-sealed salmon or raspberry jam,—a squabble between two fiddlers at the theatre, and the consequent postponement of an opera\*, would create a greater

\* A few years ago, in consequence of an event of this nature, for such it was deemed in Calcutta, almost the whole society of that city, the Governor-General not excepted, was divided into two factions.

sensation than the rebellion of half a dozen of the north-western provinces; and at the country stations, a public dinner, a race, or the curtailment of some petty item of an Englishman's salary, would be thought far more important than a measure on which depended the happiness or misery of millions.

But such supine indifference will not be much longer tolerated, and a time is come when a change is indispensable. Most readily and joyfully do I allow that a revolution has, within the last two or three years, begun to show itself in the feelings of the Anglo-English, on the subjects discussed in these papers. Government, too, is beginning to perceive, and even to declare, that India cannot be governed solely for the benefit of a few English rulers; that the interests of the people must be taken into consideration; and, in some measure, they have acted accordingly. The people, also, who have long been sensible of our faults, are now beginning to discuss them with tolerable freedom; and, what is more, to calculate our strength and means of maintaining our present position. Unless, however, we move much faster in the path of duty, we must inevitably share the fate of the French monarchy and its infatuated nobility in the Revolution. It is not too late to avert the catastrophe, and to render the British rule a real blessing to the people; nor shall we fail to hear it acknowledged as such by them, provided we will only perform the natural and obvious duty of every Government,—promote the welfare of the people. But I confess that I entertain little hope of the establishment of our Indian Empire on a solid foundation, until those who compose its rulers have some permanent interest in the country.

*November, 1835.*

P. S.—English readers will be startled at the constant charge of oppression and other misconduct brought against the English. In addition to the numerous anecdotes already brought forward, I beg to adduce the following, in illustration.

HAUGHTY SUPERCILIOUSNESS.—The Rajah (King) of Nagpoor was induced, by the solicitations of the English resident (envoy),

to make a road, and keep it watered, for the convenience of the English officers quartered in that city, to enable them to drive out of an evening to take the air. At that time of the day, in order that the grandee dignity of the English might not suffer the mortification of treading upon the same ground with natives, armed men were stationed to prevent any native from presuming to pass along the road. Natives of the highest rank were ordered off in the rudest way; and, on one occasion, the Rajah himself, when attempting to pass, was so treated. What would be thought, in Europe, if an independent king were so treated, in his own capital, by a foreign envoy!

At Khanpoor, the English subscribe to water a part of the road on which they drive of an evening. Although this is the public high-road through the station, two cavalry videttes are stationed at each end of the watered part, to prevent natives driving over it, for fear they should come "between the wind and the nobility" of the English. Natives are obliged to wait for two or three hours, until the English have left the spot, or to go a considerable way round. This practice has existed for several years, and is maintained at the present day.

OPPRESSION.—An English functionary was stationed at a remote place; and, in order to procure leavened bread, hired a baker from the civilized part of the country to accompany him. After some time, the baker, not finding the place agree with him, asked for his discharge: on which the English magistrate put him in gaol, and kept him for a considerable time there, obliging him to bake bread every day.

EXTORTION.—A crack collector once placed one man up to his neck in water, and shut another up without food, in order to force them to promise to pay a high rent.

CORRUPTION.—Not many years ago, an officer who was employed in the building department, was in the habit, without any hesitation, of boasting of the sums of which he had cheated the Government: his expression usually was, "I have done John Company for so much this morning." It is generally



said that three fortunes have been made by as many individuals, who, successively, were intrusted with the disbursement of the money necessary to construct the road between Calcutta and Benares.

For the truth of some of these, I myself can vouch; and the others, I have every reason to believe upon the authority from which I heard them. Still it will be said, they are but solitary instances;—to which it may be replied, that many solitary instances make a whole; that many have been adduced in these papers;—and that hundreds more might be adduced. But grant the objection,—nay, grant that the whole of them are untrue,—these anecdotes are related among the English, either as good jokes, or as illustrations of the proper mode of proceeding towards the natives. The instance, of the crack collector, under the head of extortion, was one day related by a lady who had resided several years in India, not with the slightest expression of disgust at the conduct of the collector, but with the utmost *sang froid*, as an illustration of the roguish character of the natives, which obliged the public officers to have recourse to such measures, in order to realize the just dues of Government. What must the sentiments of the English in India, either on the score of humanity, morality, or civility to the people, be, when such anecdotes are currently related in society, with such feelings? See further, Appendix B., “Character of a Commissioner.” When this appeared, there were seven commissioners *in esse*, in the Upper Provinces; and three who had just vacated the office. Of these ten, no less than four were selected as being the individual alluded to, by the society in which they respectively moved: the acquaintances of each asserting that the picture was so correct that there could be no mistake.

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## APPENDIX.

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### A.

*Narrative of a Passage in the Life of Peer Buksh, a Weaver, in the Village of Furyadpoor, in the District of Nahukkee.*

ON the 15th of February last, I, the unfortunate Peer Buksh, had my house robbed; the manner was this: after the middle of the night, and the village watchman, having gone his rounds, had retired to rest, I was disturbed by a noise at one end of my house, and, suspecting thieves, got up to ascertain the fact. I saw that several people had got into my house, though the door was still shut, and that they were engaged in emptying my chest, in which was contained a newly-wove web of cloth, and all the money I possessed. I opened the door, and shouted lustily for my neighbours to come to my assistance. Kulloo Khan, Moorad Ali, Sheikh Hingan, and one or two others, made their appearance. In the mean time the thieves had been consulting with themselves what to do; and I, watching, observed that they were busy passing my things through a hole in the wall by which they had entered. To save my property, I foolishly ran to the spot, and was immediately saluted by a stroke from a sword, which, grazing my temple, fell on my shoulder. My neighbours were running up to my assistance, but the man with the sword, rushing towards them, and hitting Kulloo Khan and Sheikh Hingan aslight cut each, they fell back, and the thieves escaped with the booty. Presently our good old mundul (village chief) Sadoo Meajée, hearing the scuffle, came to inquire what was the matter. Our first intention was to go to the police to give information of what had passed; but our friend Sadoo, remembering former occurrences, dissuaded us, saying, "What is past is gone; we know what has been, but who knows the future: why bring on certain trouble, seeking an uncertain remedy? Has not our landlord told us that if we wish to avoid trouble, we must shun the Company's servants? better remain quiet, and what will come, will come." Edified by this advice, we dropped all intention of complaint, and, as day began to dawn, we retired again each to his resting-place. The hole

by which the thieves had entered was, unfortunately, noticed by some persons, who mentioned it to the watchmen at the police-office; the watchmen repeated the story to the police-inspector (thanadar,) who presently came, accompanied by four policemen, to ascertain the fact. I was called on to say why I had not reported the breaking of my wall at the police, desired to report all that had happened, whom I suspected, and who had come to my assistance. No sooner had I mentioned the latter, than the constables were despatched to fetch them to the spot. In the mean time a new idea seemed to have seized the mind of the inspector; he said I was his enemy, all the people of the village were his enemies, and this was a concerted plot to bring disgrace on him. He really believed there had been no robbery, but it was our plan to say I had been robbed, so that, if the thieves could not be traced, he might be punished. He ordered me to give him a list of the articles said to have been taken away; and told me that, unless I would say who had them, I should certainly be punished. The poor old mundul (village chief) was one of the first who arrived, shoved along by a constable, but wrapped up in the shawl in which he had been sleeping. He was immediately sharply questioned by Bahadoor Khan, the inspector: his statement being the same as mine, the enraged functionary swore he was in the plot, ordered him to be stripped, and the rattan to be applied to his back. The old man appealed to me for having brought him into this trouble, which was immediately noted by Bahadoor Khan, as confirming his accusation; Moorad Ali came next, and was treated in the same way, their wrappers being retained by the policemen as proofs, I suppose, of their guilty connivance with me. Then came Sheikh Hingan, but his cut and my wound were mere tricks, and only proved the determined nature of our plot. At length, however, he seemed inclined to listen to reason, and desired the mundul to bring together the inhabitants of the village, that he might inquire if any one could assist in tracing the thieves; twenty or thirty came at once: the rest, seeing the marks on the mundul's back, walked out of the way, and betook themselves to the fields. Several suggestions were offered, but nothing satisfactory; at last, having levied two rupees as a fee to the police, from those who had experienced their civility, the inspector withdrew, leaving me, the sufferer, and my friends, under charge of the remaining two. By the advice of the good mundul, we suffered in silence, remaining without food or refreshment of any kind till evening, when our worthy protector left us. Thus passed the 16th. On the 17th we were all taken to the

police-station in the morning, and, after having been there detained till evening, were dismissed, on payment of the usual fee. On the 18th the same process was repeated, and again on the 19th. On the 20th we were only required to pay one rupee fee, without being taken to the station-house. On the 21st, we were ordered to accompany some constables to the village of Panchpara to search the house of a suspected person for the stolen articles, and nothing having been found, were afterwards taken to the station-house, and discharged, on payment at the usual fee. On the 22nd we were told that the proof was now clear against us,—that we must go to the magistrate's station at Nahukkee to stand our trial. We fell at the feet of the inspector, and told him our families must starve, if deprived of the support of our daily labour: we never intended to make any complaint against him, and never should report the robbery that had taken place,—he might, therefore, let us remain in peace, without fearing any injury from us. He required us to give him a proof of our sincerity, by signing a confession that no robbery had occurred, by building up the broken wall, and by paying him forty rupees for the trouble and annoyance we had given him. We replied that we had not so much money, but should endeavour to get it from our landlord, the owner of the village, who lived at a distance of two days' journey. Considering us to be in a complying humour, he seemed pleased, and allowed us to depart. We had then a consultation together, when the old mundul told us that he could no longer advise us to submit to such hardships; that we must complain to the magistrate, who would certainly give us redress, and remove the inspector, after which we should have a chance of better treatment from his successor. We approved the advice, and set forth with the mundul's brother, and several other friends, for Nahukkee, sending, at the same time, a deputation to the landlord, praying for his advice and assistance. Next day we were joined by some of the villagers, who reported that, as soon as our absence was ascertained, the people of the police-station had seized everything belonging to us they could lay hold of, and even attacked other people for conniving at our departure. We consoled ourselves with the hope that the day of retribution was at hand; for though the magistrates could not see and prevent such things, they would certainly punish the perpetrators, when brought forward. On the 24th, we inquired when the magistrate was to be seen, as we had a matter of grievance to represent to him; but we were told we must wait, as he had important matters in hand, and would not then be

troubled with other things. We then sent a second message to the owner of our village, saying that we could neither pay the money required by the police-inspector, nor obtain protection from the magistrate, and must, therefore, quit the village altogether, unless he could find some remedy. In reply, he desired us to persevere, and not submit to the unjust requisition of the inspector, and that he would assist in paying our expenses. Thus encouraged, we again demanded access to the magistrate, but were turned away by his servants, who told us that one day in the week was set apart by the magistrate for hearing of petitions, and we must wait till that came round. This would have required a further delay of five days; we therefore hit on an expedient, suggested by the mundul, to get a petition written in English by a clerk of his acquaintance at a neighbouring indigo factory, and sending it by the Company's post; it would thus fall into the hands of the magistrate on the same day, the gentleman being himself postmaster at the station. We had the petition accordingly ready for despatch by the time the postman came in, but that the address might be legible to the post-office writer, it was thought advisable that it should be written in Pesian.

We then set out in our return to Nahukkee, anxious to be on the spot before the delivery of our petition, lest, peradventure, we should not be present when the magistrate sent for us, as we felt assured he would, as soon as he had perused our petition. We stopped near the office, saw the postman come in and deliver our petition, with other letters, to the clerk, and waited for several hours in anxious expectation of the result; we were, however, doomed to be disappointed. This was on the 25th of February: on the 27th, a court-runner, seeing our anxiety and impatience, told us the letter was still in the hands of the post-office clerk, but if we made it worth his while, he would take care that his master got it that day. We ascertained his terms, and immediately complied with them. He then asked us the particulars of our business, and said, as we were strangers, he should be glad to put us in the way of having our matter settled to our satisfaction: that we must respect the nazir (court-sheriff,) and the head-clerk of the court, otherwise we never could succeed. We were called in on the same day by the magistrate, and graciously informed that we must transfer our complaints, in Persian, on stamp-paper. We soon found a kind friend of the nazir's, who undertook to put our complaint into due form, as desired, and on the 1st of March, being Sunday fortnight after the robbery, we were happy in finding our complaint fairly on

record, and, as we concluded, on the point of immediate investigation and redress. We soon learned, however, that justice is too valuable to be so easily procured. For the sake of regularity, one person only must appear as prosecutor, and he must give security to go through with his charge. The mundul's brother was the person who had explained to the petition-writer our case, and he was put down as plaintiff. To find a security where we were all strangers was, however, a difficulty we should never have got over, had not our friend the court-runner found an obliging person who, for a small sum, was willing to offer himself in that capacity. For this we were very grateful; but another fee was to be paid to the nazir, who took on himself the heavy responsibility of reporting the surety as a good and sufficient person. The nature of our complaint being now generally understood, it was explained to us that what we had undertaken was no light matter. Bahadoor Khan, the police-inspector of our village, was a friend of the head court-officer, and he had not yet paid up the full amount of his *douceur*\* for his appointment; we had, therefore, a powerful opponent, and if we did not make the other officers in the court our friends, we should place ourselves in an awkward predicament. We followed the advice we got, and our landlord, seeing the helplessness of our situation, gave us the necessary means for proceeding. A summons was at length issued to the inspector and his policemen to answer our charge; some days elapsed, and the defendants failed to appear. With the assistance of the friendly court-runner, we contrived to get our petitions (which did not cost us anything,) presented to the magistrate even at irregular hours, and at last he kindly ordered a peremptory repetition of his summons to be issued. All this time we begged and entreated our landlord, who had an acquaintance with some gentlemen known to the magistrate, to get them to use their influence in our favour; but he replied that this was improper: that we must have patience, and we should have justice; and that the inspector himself was so convinced of the danger of his own situation, that he had written to him to say he would make us compensation for the trouble he had given us, if we would desist and withdraw our complaint,—we were, therefore, sure to succeed, if we did not lose courage. We did as we were directed; the prosecutor's deposition was taken, and he was ordered to serve subpoenas on his witnesses. It was

\* The *douceur*, or fee, to the head-officer, for his influence with the magistrate in procuring the situation of police-inspector for his friend; this, of course, must be realised by exactions from the people.

in vain, he stated, that his witnesses were on the spot, having accompanied him to Nahukkce; they must receive their subpoenas through the hands of the acting police-inspector of their own village, and be by him despatched to the magistrate's station. We knew what the consequences of doing so were likely to be: we should be made prisoners, placed under as strict a guard as if we were convicted felons, prevented even from stepping to one side in the way on any account, without a propitiation to the constables in charge. Finding, however, there was no alternative, we went back to our village, a distance of twenty miles, to receive our subpoenas. The acting police-inspector happily neglected to take us at the same moment in custody, and we availed ourselves of our liberty to hasten back to the magistrate's station, without the protection of his policemen. But hence arose another difficulty: the sheriff would not recognise us as the persons subpoenaed, because we had not arrived under custody of persons from the police-station, who could identify us. He was at length, however, satisfied to receive us, on condition that we should either give security for appearance, or remain under custody. Not knowing that the latter proposition implied further payment of fees, and the former requiring expense, we gladly assented, considering the sheriff as on the whole favourable to our cause. Next day we found our mistake: the constable placed over us could not live on his salary, and we were, therefore, obliged to support him. We were now every day in attendance at the court, sometimes examined by the magistrate, and sometimes by the court-officers. At last the worthy gentleman who had proceeded so far in our case was ordered to another station, and our affairs rested, while we were literally half-starved, without clothes or shelter from the weather, which was very severe. At length the poor old mundul was worn out by privations, and died. Then there came a new magistrate, and with him new distress, which shall be detailed hereafter.

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## B.

### *Character of a Commissioner.*

[This appeared in a Letter addressed to the Editor of the Agra Paper, in October, 1834.]

I WILL now give you the character of a Commissioner who resides not a thousand miles from my house. By his friends he is considered a good-natured simpleton, agreeable in private life, gives his parties, and



does his best to keep up social intercourse. As to his public character, I have never learned what his superiors think of him, but it is very low in the general estimation of those among whom he lives. He is over head and ears in debt, not only to Calcutta agents, but to natives in this part of the country, particularly to the native revenue-officers, both in his own and the neighbouring division, in which he was once collector: and this has great effect on his public conduct, as might be expected, for he hardly dare allow his collectors to punish one of these officers, whatever may be their conduct. He is also considerably under the thralldom of his servants, who he is aware could, if they were provoked, bring forward matters which would not redound to his credit.

His servants being in the habit of so acting for their master, of course do the same on their own account; they also reap a tolerable harvest from those who wish to pay a visit, or gain access to the Commissioner on public business, since no one is allowed to enter his gate, except by giving a *douceur* to the servants. As to general views of what would benefit the country, he has none: his notions of public business are confined to keeping matters tolerably quiet in the police department, and screwing the full amount of revenue out of the poor people, so as not to attract the notice of the superior authorities to his inefficiency, the dread of which haunts him like the night-mare. When he travels, the purveyance system is in full play, he being far too much of a grandee to take any trouble in preventing these abuses; and he has such a strong notion of the importance of his duties, that if he should have fixed on a day for marching, he would have the whole district employed in procuring him carriage, rather than his journey should be put off for even one day,—he would consider it as greatly derogatory to the dignity of the office he holds. He is chiefly a tool in the hands of two or three of the natives of his office, and most of his orders are the result of their dictations and intimations.

If such be his character, you may ask, Why not bring it forward publicly? There are several reasons against the attempt. In the first place, for what I know, he may have "friends at court:" all that I have stated is notorious in this part of the country; and as Governor-General, Secretaries, Members of Boards on deputation, and other magnates, have been here, as elsewhere, making all sorts of inquiries, they could hardly have failed to find it out; but as the gentleman alluded to is just as firm in his seat as ever, there may be some truth in the above supposition. Then, again, in some of the points men-

tioned, you will say he is no worse than the rest. The worst feature, the being in debt to the native officers, would, perhaps, be impossible to prove. If these men were called upon, they would probably deny it, for which there are two reasons. If you will turn to Regulation VII. of 1823, you will find some very wise provisions, to punish not only the civil servant who borrows from a native within his jurisdiction, but the native who lends; so that, unless brought forward from malice or ill-will, each party is equally desirous to conceal the transactions. Then, again, these native officers know that as long as this Commissioner retains his situation, they may carry their speculation and extortion to a much greater extent than they could under any other, (indeed, it is probable many of them will be dismissed as soon as a new Commissioner comes,) besides which they receive, from time to time, small payments from their Commissioner. They are also well aware of his debts in Calcutta, and know that if he were to be dismissed the service, they would lose all chance of ever receiving a farthing from him: so there is good reason for mutual forbearance; for if the Commissioner were to be too hard on one of these men, he would probably grow desperate and peach.

You will observe that, in this letter, there is no one allusion to name, place, date, or anything else which could enable any person to point to the individual alluded to. If, therefore, he should be inclined to put the cap on, or any of his friends should do this kind office for him, we may suppose that it fits. I send you nothing but the naked character; if this be incorrect, it can injure no one: if it be correct, the sooner such a man is exposed, the better for the public.

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C.

*Statement of Occurrences regarding the Temple of Snigraampoor, near Futtehgurh, drawn up in February, 1834, alluded to in No. LVII.*

RAMKISHEN BRAMIN received a rent-free estate, some sixty or seventy years ago, from Dowlut Rao Scindia, for the purpose of supporting the religious establishment at Snigraampoor, at which a number of priests and other functionaries are entertained, and large sums are expended in feeding pilgrims and other travellers. He died at an advanced age on the 18th of January, 1819, and was succeeded by one

of his chelas (disciples), Subsookram, who was duly installed. I should observe that the practice, in succession, to the superintendence of such establishments is not positively fixed: in some, the old incumbent before his death declares which of his disciples should succeed, —in others, the principal members of the establishment hold an assembly, and appoint a successor. Among the disciples of Ramkishen, the two principal were Shibram and Subsookram; the former was a dissolute, disreputable character, had been turned out of the establishment in consequence, and was residing in a distant country.

No sooner did Shibram hear of what had occurred, than he came and advanced his claim as successor of Ramkishen, the superintendent of the temple, and sued in the provincial court of Bareilly for the right, on the plea of being nephew of Ramkishen. Now, relationship in such cases is no claim whatever, according to the customs of the people: the succession depends entirely on adoption or election, and the suit was dismissed by Mr. Hawkins, judge of the Bareilly Provincial Court. Shibram appealed to the Sudder Dewanee, and the decision of Mr. Hawkins was reversed by Mr. Courtney Smith, the concurring judge being Mr. J. Ahmuty, to the utter consternation of the people. Subsook attempted an appeal to the King in Council, but failed, for want of funds, to carry it on.

During the time that Shibram was prosecuting his suit in the Sudder Dewanee, he borrowed some sums of money from a Bengalee, whose name I forget, assigning to this person as security the temple, lands, and endowments of Snigrampoor. This creditor afterwards sued Shibram in the Supreme Court, obtained a decree, and employed a sheriff's officer to attach the property.

Now Shibram had no more right to assign this property, than a bishop would have to sell or mortgage the church-lands of his bishopric; and the deed is in right, justice, and even law, totally invalid; the very doing so shows the character of this man. His next plan was to get up an action, which was decided on the 19th of July last. Rugonath Burmcharree is a chela of Shibram's, and was put forward to sue the sheriff for a trespass, on the plea of the latter's having attached *his* property. The whole proceeding was as absurd as if a bishop were first to mortgage the church-lands, and when they were seized, in satisfaction, to employ his private chaplain to sue the sheriff for a trespass in attaching his property.

The original question, as to whether the lands are to be sold or not, is still undecided. In the report of the trial, it may be seen

that the judges had made up their minds, and came into court prepared to give a decision; but as that point was not specifically brought before them, they forbore to do so. The decision might, with great propriety, have been given at once, but a further hearing would be more profitable to the lawyers. In the mean time, almost all ceremonies, delivery of food to pilgrims, &c., is stopped.

The whole of these proceedings are well worth notice, as illustrating the ease with which a scoundrel may contrive to ruin a whole establishment. The statement, as above given, is, my informant tells me, perfectly notorious to every individual about Snigrampoor; and it seems that, in the first court, a proper decision was given. How it was reversed in the Sudder Dewance, it is impossible to say\*. I shall refrain from mentioning the opinions and surmises of the people, and shall only observe, that when they hear such extraordinary decisions, it is no wonder that they should seek for some uncommon cause. Now they have given up all hope of justice in this case, and are waiting in patience for the lands and temple to be sold, when the principal Hindus have it in contemplation to raise a subscription to purchase them, and re-establish Subsookram in the superintendence of the establishment.

Such is the substance of the information I have now procured: if correct, the case is one which would seem to call for some interference and inquiry on the part of Government. If, however, they do not like to do this, they may, at least, make some enactment to prevent such proceedings in future. It would be very easy to devise some form for the election and succession of the superintendent of a religious establishment, which should prevent such ruinous disputes. The mockery of justice in the appeal from the decision of the Sudder Dewanee to the King in Council is well worthy of abolition: the appeal should be to the government of the country.

\* My readers are aware that it requires the concurrence of two judges of the superior court to reverse the decision of a subordinate judge. Practically, however, the matter is too often settled in this way. Two judges each take a given number of appeals, and, after hearing, pass their opinion, in which the other concurs as a matter of course, without looking at the cases. They are not to blame, but are obliged

to act in this way to get through even a proportion of the business that is before the court. The enactment is, like many others, good in principle, but marred in practice, from overpressure of business. When the judges shall have sufficient leisure to perform their duty properly, we may expect this rule, with many others, to be fully acted upon.

## D.

*The Noozeed Affair.*

IN No. XXIV. it was remarked, that, bad as the Government of the East India Company had been, matters would have been probably worse under the Crown. The following account, taken from the *India Gazette*, will show to what an extent injustice and jobbing can sometimes be carried.

“An Act has lately (in 1832) passed the British Parliament, which inflicts a grievous wrong on a people whom we are bound to protect,—the people of India. This Act is entitled, ‘An Act for providing for the discharge of a claim in respect of monies advanced by the late James Hodges, Esq., on security of the lands of the late Zemindar of Noozeed and Mustaphanagar, in the district of Fort St. George, in the East Indies,’ and the object of it is to charge the revenues of India,—in other words, take out of the pockets of our native subjects a large sum of money,—for the purpose of paying a debt alleged to have been contracted more than half a century ago, by a zemindar to an Englishman, whose representative, one Captain Murray, has the good fortune to be a gentleman connected with certain persons of considerable influence in Parliament.

“This affair (to which we will not give the appellation it would have received from Mr. Burke,) has been carried through by a small party, as the division on the third reading in the Upper House will show. It may not become us to inquire whether it might be justly denominated a family party,—but many are the ramifications of the House of Murray. Carried, however, it has been by this small party, after having been in its earliest and its latest stages resisted by the East India Company, both in Committee and at the Bar, with a pertinacity which demonstrates the gross injustice of the measure; and it has been so carried in opposition to the Lord Chancellor, and others of his Majesty’s Ministers, and in utter disregard of the calm, dignified, and unanswerable judgment pronounced upon the case by that most eminent man, the Chancellor himself, after the laborious devotion of three whole days of his invaluable time to hearing the arguments of counsel upon it. Heaven grant that a precedent may not have been established for a system of legalized spoliation and pillage!

“The origin of the Noozeed affair is this. A Mr. Hodges, in 1775, when he was appointed a member of the Masulipatam Board, took

upon him certain debts said to be due by the Zemindar of Noozed to Mr. Whitehill, Mr. Sullivan, and Colonel Flint, and lent the zemindar further monies, the whole of which, with interest upon them, were consolidated into one sum, for which the zemindar gave his bond. In other words, the claim originates in money-dealings between the officers of Government and one of the zemindars under the immediate control of those very officers, such transactions being positively prohibited by the Regulations of Government. A still more important fact is this, that at the time when the bond from the zemindar to Mr. Hodges bears date, the zemindar was in prison, and Mr. Hodges was one of his gaolers! It is to enforce payment of that bond that Parliament has interfered, and this, too, with evidence before them, of charges preferred against Mr. Hodges by another zemindar, in 1785, of extorting bonds from him. As a further illustration of the government of former days, it may be stated that Mr. Hodges subsequently obtained from the Madras government a *quasi* sanction of his claim against the estate,—but this was when the celebrated Mr. Whitehill, against whom a Bill of Pains and Penalties was brought into Parliament in 1783, himself the creditor of the zemindar, who sold his debt to Mr. Hodges, was the second member of that Government. Another fact is, that a part only of Mr. Sullivan's claim against the zemindar was assigned to Mr. Hodges: that a share of the same claim was assigned to Mr. Pringle, and that the share so assigned to Mr. Pringle originally carried interest at 24 per cent. per annum. It further appears, that the zemindar had rebelled against the Company's government, and, by means of the advances made to him by the Company's servants, he was enabled to divert the revenues of his country, which ought to have been applied to the payment of his tribute, to the support of rebellion against the Government. Such is the picture which this case presents of the Government of India in the hands of Englishmen at the period to which we refer; and the determination to which the Legislature has come, still more strongly exhibits the shameless disregard of Indian interests, by which the majority has been guided. An Act has been passed, providing for the discharge of this claim from the revenues of India,—a private claim, a claim founded on a violation of the rules of the Indian Government, a claim similar to many which were struck off under the Carnatic Commission, and which, now that it has been admitted, may lay the foundation for a system of legalized spoliation and pillage. The Bill has been carried, as it would appear, by family influence; Captain

Murray, the son of the late Lady William Murray, the daughter of Mr. Hodges, being the chief promoter of the measure, and principally interested in its success.

“A case like this falls dead upon the ear of the English people; but it should be seriously weighed by all those whose interests are identified with this country.”



THE END.

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JOHN W. PARKER, ST. MARTIN'S LANE.